

John Strohm

REPORT

OF THE

COMMISSIONERS APPOINTED TO

REVISE THE CIVIL CODE

OF

PENNSYLVANIA.

READ IN SENATE, March 25, 1834.

HARRISBURG:

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1834.

REPORT, &c.

Message from the Governor, accompanied with a Report from the Commissioners appointed to revise the Civil Code of Pennsylvania, under the resolution 23d March, 1830.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:—I have received from the Commissioners appointed to revise the Civil Code of Pennsylvania, a communication accompanied by their report containing acts relating to elections and inspections which I hasten to transmit to the General Assembly for their action thereon.

GEO. WOLF.

Harrisburg, March 25th, 1834.

SIR:—We have now the honor to transmit to your excellency a fifth report, containing the following bills, viz :

1. A bill entitled, An act relating to elections.
2. A bill entitled, An act relating to inspections.

We remain very respectfully, your obedient servants,

W. RAWLE,
T. I. WHARTON,
JOEL JONES.

To HIS EXCELLENCY GOV. WOLF.

Harrisburg, March 20, 1834.

REMARKS AND TABLE OF CONTENTS OF THE BILL ENTITLED, "AN ACT RELATING TO INSPECTIONS.

The bill entitled, An act relating to inspections, is derived from about fifty different acts of Assembly, and comprises the following subjects, viz.

1. The inspection of flour, meal, bread, &c.
2. " of beef and pork.
3. " of salted fish.
4. " of butter and hogs lard.
5. " of pot and pearl ashes.
6. " of tobacco.
7. " of domestic distilled spirits.
8. " of ground black oak bark.
9. " of staves, heading boards, plank, timber, shingles.
10. " of flaxseed.
11. General provisions relating to the subjects of inspection.

The subject of this bill is intimately connected with the commercial interests of the commonwealth. It depends for its improvement more than any other part of our laws upon the knowledge of practical details, a species of knowledge which can be acquired only from action and experience in the particular branches of industry to which it relates. Aware of this peculiarity we originally compiled the bill with strict adherence to the substance of the law, as we found it, and it was our intention to transmit the bill in that form to the Legislature at the last session. While we were making arrangements for this purpose, information was conveyed to us, from respectable sources that several of the acts of assembly were deemed to be injurious in their operation or materially defective and that extensive alterations in their substance were imperatively required.

We accordingly retained the bill with the hope of being able to collect precise information of defects, and sufficiently in detail, to enable us to propose the necessary amendments. We have not succeeded to the extent we had hoped. It is proper to remark however, we applied for information to most of the inspectors and, from some of them we received communications of value. We addressed also a circular letter to many gentlemen conversant with the commercial operations of the state. In this effort we have been less successful than in our application to the inspectors. Such knowledge however as we have been able to collect we have put to the best use in our power. We have ventured to propose a few changes in this branch of the law which we will notice as they occur.

By a comparison of the space occupied in our statute books by the laws compiled in this bill it will be seen that a large abridgment has been effected. We trust also that the new arrangement of the subject will make it much more easily intelligible.

1. Flour, Meal, Bread, &c.

The earliest act of Assembly now in force relative to the inspection of flour and bread was passed the 5th April, 1781, 1 Sm. S. L. 523.

An act upon the same subject was passed in 1724 which was supplied by the act 14th October 1733. A supplement to the act of 1733, was passed on the 21st February 1767, and another on the 6th October 1779. The design of the act 5th April 1781 was to consolidate the provisions of these acts with such amendments and additions as the interests of commerce required and to repeal at a certain time all laws previously made for the purpose. To this act several supplements have been made. The following viz. The acts 28th December, 1781, 2 Sm. 11, 12,—19th March 1783 expired, but supplied by the act 30th September, 1791, 3 Sm. 52—3,—15th September, 1784, 2 Sm. 270,—12th September, 1789, 2 Sm. 490,—18th April, 1795, 3 Sm. 248—16th March, 1798, 3 Sm. 313,—15th March, 1800, 3 Sm. 437,—13th February, 1811, 5 Sm. 197.

Provision was first made for the inspection of flour in the counties of Westmoreland, and Washington by the act 19th March, 1783. This act as has been intimated was temporary. It was supplied by the act 30th September, 1791, entitled, An act to regulate the inspection of flour in certain western counties. The counties named in this act are Westmoreland, Washington, Allegheny and Fayette. By the act 2 April, 1822, 7 Reeds Laws 604. The provisions of the act of 30th September 1791, are extended to the counties Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, and Venango. A supplement to this act was passed the 1st Feb. 1823, and a further supplement on the 30th Jan. 1831.

The inspection of flour at the borough of York, was authorised by the act 11th April, 1825, a single provision of which was repealed by the act of 9th April, 1833, §16. In the section of this bill relating to the inspection of flour, meal and bread, we have endeavoured to consolidate such of the provisions of the before mentioned acts, as appear to be in force except such as are in substance common to all the principal acts on the subject. These are placed at the end of the bill.

Section 1. This section is derived from the acts 5th April, 1781, 11; 15th September, 1784, §2; 30th Sept. 1791, §1; 2d April, 1822; 11th April 1825. So much of it as relates to the inspection of rye flour, and corn meal, is derived from the act 15th March, 1800. The act of 1800 applies in terms to "all flour made of rye or Indian corn, which shall be brought to *any port or place* within this state for exportation.

Section 2. From the act 11th April, 1825.

Section 3. From the act 30th March, 1831, P. L. 47.

Section 4. This section is new. It is designed to exempt from the operation of our inspection laws the flour of other states, brought into this state for exportation as such, and not as the flour of Pennsylvania. The principal object of our inspection laws is, to establish the reputation of our own products and manufactures abroad. This poli-

cy is not infringed by allowing the products of other states to be exported as *such* from this state. The commercial prosperity of the commonwealth requires the removal of all impediments to the transit of the domestic merchandize of other states through this state for exportation. Similar provisions were long since enacted in reference to salted provisions.

See §§ 57 and 74 of this bill.

Section 5. Is derived from the act, 1st February, 1823, §1, P. L., 3.

Section 6. From the act 5th April, 1781, §6 ; 11th April, 1825, §2. The provision is extended to *all* flour, although the acts referred to apply only to wheat flour. The extension is justified by the act 15th March, 1800 §5.

Section 7. From the act 15th March, 1800, substantially.

Section 8. Is new as a positive provision. Damaged flour is frequently exported. It is a proper article of commerce.

Section 9. Is derived from the acts 5th April, 1781, §4, 12 Sept., 1789, §2.

Section 10. Act 1781, §4. The provision relating to half barrels is derived from the act 12th Sept., 1789, §5. The cask of the size No. 2, we have been informed is commonly used. The act 11th April, 1825, relative to the inspection of flour, at York, provides for no other. We suppose it may be useful to allow the manufacturer the discretion in this respect, provided by the act 5th April 1781. No harm can result from it.

Section 11. Act 1781, §5 ; 12th Sept. 1789, §5.

Section 12. Acts 5th April, 1781, §4 ; 12th Sept. 1789, §5.

Section 13. Acts 15th March, 1800, §1. The exception in this act, relative to casks No. 1, is omitted.

Section 14. Acts 15th March, 1800, §3 ; 15th Feb. 1811, §1.

Section 15. Act 15th March, 1800, §3 ; 15th Feb. 1811, §1.

Section 16. Act 15th March, 1800, §3 ; 15th Feb. 1811, §1.

Section 17. Acts 12th Sept. 1789, §2 ; 28th Dec. 1781, §6.

Section 18. Act 15th March, 1800.

Section 19. Act 5th April, 1781, §4.

Section 20. Act 15th Sept. 1784, §2.

Section 21. Act 15th March, 1800, §4.

Section 22. The provision of this section is new. It is designed to insure the proper exercise of the discretion given in the two preceding sections where the article shall be sold without inspection.

Section 23. Is derived from the act 5th April, 1781.

Section 24. 15th Sept. 1784, §2 ; 12th September, 1789, §2, §6 15th March, 1800, §4 ; 11th April, 1825, §4.

Section 25. Acts 15th Sept. 1784, §2 ; 12th Sept. 1789, §3 ; 15th March, 1800, §2.

Section 26. The act 15th September, 1784, §2 requires that the inspector shall brand merchantable flour with the arms of the state. The same provision is contained in the tenth section of the act 5th April, 1781. The act 28th December, 1781, §5, requires only that

stamp of the letters, S. P. according to this section, and such is the practice of the inspector of flour at Philadelphia. We have therefore adopted the direction of the act of 1781, although it appears to be supplied by the act of 1784. The residue of the section is taken from acts 30th Sept. 1791, §2; 11th April, 1825, §4; 12th Sept. 1789, §6.

Section 27. Act 28th Dec, 1781 §4.

Section 28. Act 17th April, 1795, §1, and the act 15th March, 1800, §5. The clause relating to the penalty proposes an alteration of the law.

Section 29. Act 25th December, 1781, §2. The penalty of the act is two shillings for which we propose fifty cents.

Section 30. Acts 5th April 1781, §11; 12th September, 1789, §2; 30th September 1791, §3; 15th March 1800, §1.

Section 31. Act 5th April, 1781, §11.

Section 32. Act 15th Sept. 1784, §3; 15th March 1800, §5.

Section 33. Act 15th September 1784, §3; 15th March 1800, §5.

Section 34. Act 15th March 1800, §5.

Section 35. Acts 5th April 1781; 12th March 1789, §10.

Section 36. Act 12th March, 1789, §10.

Section 37. Act 5th April 1781, §7. The penalty of the act is five shillings for which we propose one dollar.

Section 38. Act 5th April 1781, §8. The penalty of the act is forty shillings for which we propose five dollars.

Section 39. Act 5th April, 1781, §8.

Section 40. Act 5th April, 1781, §5.

Section 41. — 12th March, 1789, §10. The penalty of the act is five shillings, for which we propose seventy-five cents.

Section 42. Acts 5th April, 1781, §7; 11th April 1825, §3.

Section 43. Acts 5th April, 1781, §7; 11th April 1825, §3.

Section 44. Acts 5th April, 1781, §4; 28th Dec. 1871, §3. The penalty imposed by the last of these acts is thirty shillings for one month &c., for which we propose five dollars.

Sections 45 to 47. Are derived from acts 5th April 1781, §9, and 15th March 1800, §5.

Section 48. Act 5th April, 1781, §9, §§10 and 12. The penalty of the act is one shilling.

Sections 49 and 50. Act 5th April, 1781, §13.

Section 51. Act 30th Sept., 1791, §1. We retain this provision, because we find it in the law, although the provisions of the 9th and 11th sections of the act, 5th April, 1781, seem to be as properly applicable to one portion of the state as to another.

Sections 52 to 55. Act 29th March, 1822, §1; 11th April 1825, §3; 30th Sept. 1791, §4; 15th March 1800, §§2, and 3; 11th April 1825, §§8, 9; 16th March, 1798, §§1, 2; 5th April, 1781, §11.

2. *Beef and Pork.*

The acts which have been passed to regulate the packing and inspecting of beef and pork for exportation, are the following, viz: The

acts of 1700, 1 Dall. 27. The act of 18th Aug. 1727, 1 Sm. 170. The act of 12th March, 1789, 2 Sm. 475. The act of 24th Sept. 1789, 2 Sm. 498. To these may be added two acts, relating to the fees of the inspector of salted provisions, viz: The act 27th March 1821, 7 Sm. 418, and the act of 2nd April, 1822, 7 Sm. 579.

The act of 1700 was repealed by the act 20th March 1810. The act 18th August, 1727, was repealed, and supplied by the act 12th March, 1789, except certain general provisions, which we have consolidated with others of the same kind at the end of this bill. The remaining provisions of these acts now in force are contained in the following named sections, together with some additions which will be noted as they occur.

Section 56. This section is derived from the act 12th March, 1789, sec 6 Binn, Rep. 330, *Garrigues v. Reynolds*.

Section 57. Acts 12th March, 1789. The clause in this act, from which the section is derived, was restricted by the act 24th Sept. 1789, §2. We have not incorporated the restriction, for reasons adverted to in the remarks before made on section 3, of this bill. See §74.

Section 58. Act 12th March, 1789, §2, 3, 5.

Section 59. 12th March, 1789, §2.

Sections 60 to 63. Are derived from act 12th March 1789, §3, 4.

Sections 64 and 65. These sections have been copied substantially from the laws of a neighboring state. We thought ourselves justifiable in doing so by the preamble of the act 12th March, 1789, which proposed as one of its objects to make "the exports of this state conform as nearly as may be found convenient in package and value with those of other countries which are vended from time to time in the same foreign market." The denominations mentioned in these sections are used in most of the states and well known in our own and in foreign markets. They have also been used by persons exporting the article from this state, and in some cases as we have been informed improperly. Such a practice would, if general, bring this position of our exports into disrepute abroad. With a view to prevent and also to produce a conformity with the regulations of other states we have introduced the provisions of these sections. In section 7 of this bill we propose a penalty to prevent fraudulent evasions of the regulation similar to that provided by the act 15th September, 1789, §3 in the case of flour. See §33, of this bill.

Section 66. This section is new. It is introduced for reasons adverted to in the remarks on §22.

Section 67. Act 12th March 1789, §4.

Section 68. Act 24th Sept. 1789, §3.

Section 69. Act 24th September, 1789, §5.

Section 70. Is new. See sections 64 and 65.

Section 71. Act 24th September 1789, §6.

3. *Salted Fish.*

The acts which have been passed relative to the packing and i

specting of salted fish are the following, viz. The act of the 24th December, 1774, 1 Sm. 418. The act of 5th March 1787, 2 Dall. 491. The act 19th March 1810, 5 Sm. 121. The act 25th Feb. 1818, 7 Reeds L. L. 47. The act 27th March 1821, §4, also relates to this subject. The act 25th February 1818 relates to the inspection of fish at Columbia and Pittsburg. The act 24th December 1774 and 19th March 1810 relate to the inspection of fish at Philadelphia. In consolidating these acts some provisions now special in their application, are proposed as general rules.

Section 72. Act 24th December, 1774, §1. §3.

Section 73. 25th Feb. 1818, §§1, 4, 9.

Section 74. 27th March, 1821, §4. See §§3, 57.

Section 75. — 19th March, 1810, §1; 25th Feb. 1818, §2. The former of these acts requires fourteen hoops to the barrel.

Section 76. Act 19th March, 1810, §1; 25th Feb. 1818; 5th March, 1787, 2 Dall. 491.

Section 77. Acts 24th Dec. 1774, §2; 19th March, 1810, §1.

Section 78. Act 25th Feb. 1818, §1.

Section 79. — 24th Dec., 1774, §3.

Section 80. — 25th Feb. 1818, §2.

Section 81. — 19th March, 1810, §2; 25th Feb., 1818, §2

Section 82. Acts 24th Dec. 1774, §6; 19th March, 1810, §3.

Section 83. Act 19th March 1810, §1.

Section 84. Act 25th Feb. 1818, §4 and §9.

Section 85. Act 25th Feb., 1818, §5.

Section 86. Act 19th March, 1810, §5.

Section 87. Act 25th Feb. 1818, §7.

Sections 88 to 92. Relate to the fees and compensation of the inspectors. They are derived from the acts, 27th March, 1821, examined by the act, 2d April, 1822, also the act 1789, §7; 19th March, 1810, §4; 25th Feb., 1818, §2; 24th Dec., 1774, §4.

IV. Butter and Hogs Lard.

The acts which have been passed relative to the inspection of butter and lard, are the following, viz: 12th March, 1781, §9, 2 Sm. 475. Jan. 1804, 4 Sm. 104; 7th April, 1807, 4 Sm. 404; 22d March, 1814, 6 S. 173; 27th March, 1821, 7 S., 418; 27th Feb. 1828, P. 117. The clause in the act 12th March, 1789, was repealed by the § of the act, 7th Jan., 1804. The remaining provisions of these acts are now in force, except such as are common to all inspections are retained in the following sections.

Section 93. Acts 7th Jan. 1804, §1; 9th April, 1807, §1; 22d March, 1814, §1.

Section 94. Acts 7th Jan. 1804, §2; 22d March, 1814, §2; 27th Feb. 1828, §4.

Sections 95, 96. Act 7th Jan. 1804, §2; 22d March 1814, §2.

Section 97. Act 27th Feb. 1828, §2, which supplies the third section of the act 27th March 1821.

Section 98. Act 27th Feb, 1828, §3.

Section 99. Act 27th Feb. 1828, §1.

Section 100. Act 7th April 1804, §3; 22d March 1814, §3.

Section 101. Act 27th Feb. 1828, §4.

Section 102. Act 22d March 1814, §6.

Sections 103, 104. Acts 22d March 1814, §6, §5; 7th Jan. 1814 §4.

Sections 105—108. Act 27th March, 1821, §1; 22d March 1814 §7, to which we have added a fee for the inspection of butter or lard in canisters.

5. *Pot and Pearl Ashes.*

Sections 109—123. The inspection of Pot and Pearl ashes is regulated by the act 27th Feb. 1827, P. L. 45, 49. Such of the provisions of this act as are peculiar to the inspection of the articles are contained in these sections. In section 107 we have introduced a provision to exempt the Pot and Pearl ashes of other states which may be brought into this state for exportation. The sections require no particular explanation or remark.

6. *Tobacco.*

Sections 124—129. The inspection of Tobacco is regulated by the act 10th February, 1832. The provisions of which are contained in these sections. We have introduced in reference to this article also a proviso exempting it from the operation of the act if brought from another state to this for exportation. We are aware that the effect of the proviso will be very much to limit the operation of the act. Still we think it expedient and justifiable by the same reasons in this as in other like cases where the exemption by law exists. See remarks on sections 3, 57, 74, of this bill.

7. *Domestic Distilled Spirits.*

The acts which have been passed relative to the inspection of Domestic distilled spirits are the following viz. The acts 14th March 1814, 6 Sm. 126; 13th March, 1815, 6 Sm. 296; 16th Jan. 1832, P. L. 10. They are consolidated in the following sections.

Section 130. Is derived from the acts 14th March 1814, §1; 13th March 1833, §1—5.

Section 131. Act 14th March 1814, §6, 7.

Section 132. Act 14th March, 1814, §2.

Section 133. Acts 14th March, 1814, §2, altered by act 13th March, 1815, § 0.

Section 134. This section is new. The specific gravity of the spirit, and the actual weight of it are conditions by which the quantity may be easily computed. Tables have been calculated upon the specific gravities of spirits usually found in commerce for casks of various sizes which ordinarily occur in trade. See Edinburg Encyclopedia article Hydronamies, chap. 3, §4, No. 17. As the gauger is responsible, for the correctness of his gauging instruments; and also for

curacy in the use of them, he ought to have abundant means of being correct.

Section 135. Act 14th March, 1814, §6; 18th March, 1833, §3.

Section 136. Acts 13th March, 1815, §7, which supplies the act, 14th March, 1810, §3.

Section 137. Act 14th March, 1814, §8.

Sections 138, 139. Act 14th March, 1814, §7.

Section 140. Act 14th March, 1814, §13, §1.

Section 141. Act 13th March, 1815, §6.

Section 142. Act 13th March, 1815, §1.

Section 143. Act 16th Jan., 1823, §1.

Section 144. Acts 14th March, 1814, §11, §12; 16th January 1823, §3.

Section 145. Act 14th March 1814, §11 and 12.

Section 146. Acts 14th March, 1814, §5; 16th March, 1833, §2, L. 83.

Section 147. Acts 27th March, 1821, §1; 16th Jan. 1823, §1; 8th March, 1815, §4; act 13th March, 1815, §3 supplied.

Section 148. Acts 14th March, 1814, §9; 18th March 1833, §4.

Section 149. Act 14th March, 1814, §16.

8. *Black Oak Bark.*

The acts which have been passed, relative to the inspection of black oak bark, are the following, viz: The act 3d April 1804, 4th m. 194, made perpetual by the act 31st March, 1812, 5 Sm. 390, and the act 5th Feb., 1817, 6 Sm. 400.

Section 150. Is derived from the act 3d April, 1804, §1.

Sections 151, 152. Act 3d April, 1804, §2.

Sections 153—155. Are derived from the act 3d April, 1804, §5.

Section 156. Act 3d April, 1804, §2; 5th Feb. 1817, §1. The first of these acts provides for the assorting of bark into two qualities. The last provides for three qualities. We have been informed that the division is not sufficiently minute for the purposes of commerce. We have ventured, therefore, to suggest a subdivision of each "quality" into two sorts or kinds to be denominated No. 1, and so that according to this section, there will be in fact six qualities of bark, and the inspector will have the means of indicating the quality of the article with sufficient precision.

Section 157. Act 3d April, 1804, §5.

Section 158. Act 5th Feb., 1817, §2; 3d April, 1804, §3, altered so as to correspond with §156.

Section 159. Act 3d April, 1804, §4; 5th Feb. 1817, §1.

Section 160. Acts 3d April, 1804, §6; 5th Feb. 1817, §2.

Section 161. Act 3d April, 1804, §7.

Section 162. Act 1817, §2.

Section 163. Act 3d April, 1804, §7, §8; 5th April, 1817, §2.

Section 164. Acts 3d April, 1804, §6; 27th March, 1821, §1.

Section 165. Act 3d April, 1804, §6.

2. *Staves, Heading, Boards, Plank, Timber, and Shingles.*

The acts which have been passed, relative to the inspection of staves, heading, boards, plank, timber, and shingles, are the following viz: The act 21st April, 1759, 1 Sm. 222. The act 20th May, 1767, 1 Sm. 277. The act 29th Sept., 1789, 2 Sm. 504. Two acts, passed 5th April, 1790, 2 Sm. 528, 529. The act, 17th March, 1796, 3 Sm. 268. The act, 16th March, 1798, 3 Sm. 314. The act 30th March, 1803, 4 Sm. 83. The act 28th March, 1814, 6 Sm. 233. 24th Feb., 1823, P. L. 51; 11th April, 1827, P. L. 236. So much of these acts as are in force, is contained in the following sections:

Section 166. Is derived from the act 5th April, 1790, §1; 21st April, 1759, §1.

Section 167. Act 21st April, 1759, §2; 30th March, 1803; 11th April, 1827.

Section 168. Act 21st April, 1759, §5.

Section 169. Act 5th April, 1790, §4.

Section 170. Act 20th May 1767, §2; supplied by act 5th April 1790, §3.

Section 171. Act 5th April, 1790, §5.

Section 172. Act 5th April 1790, §2.

Sections 173—175. Act 20th September 1789, §2; 5th April 1790; 17th March 1796.

Sections 176—177. Act 21st April 1759, §6.

Section 178. Act 27th March 1821, §1; 24th Feb. 1823; 28th March 1814, §23; 16th March 1798.

Section 179. Act 27th March, 1821, §1.

Section 180. Act 29th Sept. 1789, §4.

Section 181. Acts 27th March 1821, §1; 28th March 1814, §2

10. *Flaxseed.*

Sections 182 to 187. The act 12th March 1789, §8, regulates the preparing and putting up of flaxseed for exportation but it does not require inspection of the article. We have nevertheless incorporated the substance of the section into this bill as it is similar in its nature and object to the other acts from which this bill has been compiled. He will only add that the present law applies only to exportations to Ireland and Scotland. We have omitted this restriction.

11. *General Provisions.*

The remaining sections of the bill are of a general nature. Provisions similar to these are found in most of the principal acts relative to inspections. There are many differences in the details of the different acts which we have not attempted to preserve. By collecting and consolidating them in this place we have reduced very much the space occupied by this portion of the laws.

Section 188. Is a provision contained in all the principal acts passed since the adoption of the constitution.

Section 189. Act 14th March, 1814, §4.

Section 190. See acts 21st April, 1759, §11 ; 5th April 1781, §17 ; 13th March 1814, §4 ; 24th December 1774, §9 ; 7th Jan. 1804, §1 ; 15th March, 1815, §4.

Section 191. Act 13th March 1815, §4. We have not thought it necessary to introduce the provision of the act 14th March 1814, §15 Sm. L. L. 129.

Section 192. See acts, 18th Aug., 1727, §8 ; 21st April, 1759, §11 ; 24th Dec. 1774, §9 ; 5th April, 1781, §17, §13 ; 29th Sept. 1789, §5 ; 18th March, 1795, §4 ; 7th Jan. 1804, §1 ; 3d April, 1804, §1 ; 14th March, 1814, §5 ; 27th Feb., 1827, §9 ; 8th April, 1829 ; 10th Feb. 1832.

Section 193. Act 14th March, 1814, §5 ; 27th Feb. 1827, §9 ; 8th April, 1829, §2, 5. The sums in which security is to be given, are fixed by several of the acts. We propose to vest a general discretion in the court of Q. S. of the county, both as it respects the sum, and the sufficiency of the surety.

Sections 194, 195, are new.

Section 196. See acts 24th Sept., 1774, §3 ; 28th Feb. 1819, §2 ; 10th Feb. 1832.

Section 197. Acts 27th Feb., 1827, §5, P. L. 48, made general.

Sections 198 to 205. These sections provide for the mode of reviewing the judgment of the inspectors by triers. Similar provisions are contained in the acts 21st April, 1759, §7, 8 ; 24th Dec., 1774, §4 ; 5th April, 1781, §12 ; 15th Dec. 1784, §2 ; 17th April, 1795, §1, §12 ; 15th March, 1800, §4 ; 3d April, 1804, §8, 14th March, 1814, §10 ; 25th Feb. 1818, §3 ; 11th April, 1825, §5.

Sections 206, 208. Acts 21st April, 1759, §12 ; 29th Sept. 1789, §4 ; 14th Jan. 1814, §14 ; 16th Jan. 1823.

Section 209. Act 20th May, 1767, §3.

Section 210. Adopted from resolution 16th March, 1820, P. L. 102. See 1st Feb., 1821, P. L. 313.

Section 211. Acts 5th April, 1781, §16 ; 21st April, 1759, §12 ; 24th Dec. 1774, §7 ; 18th April, 1795, §9 ; 14th March 1814, §14 ; 11th April, 1825, §6 ; 10th Feb. 1832, §1. There is a good deal of diversity in the acts, regulating the penalty for the offence mentioned in this section.

Section 212. Act 21st April 1759, §1 ; 28th Feb. 1818, §5 ; 9th April, 1833, §16.

Section 213. Act 5th April, 1790, §7.

Sections 214 to 216. Acts 18th Aug. 1727, §7 ; 21st April 1759, §6 ; 24th Dec. 1774, §6 ; 5th April 1781, §14, 13th March, 1815, §2 ; 27th Feb., 1827, §4. We have added some provisions to regulate the sale of forfeited articles.

Section 217. Act 5th April, 1781, §14 ; 3d April, 1806, §7 ; 27th Feb. 1827, §4 ; 1st Aug. 1727, §6 ; 21st April, 1759, §6 ; 24th Dec. 1774, §6. There is much difference in the penalties provided in these and other acts for the offence described in the section.

Opposition or obstruction to a lawful officer in the due use of the powers conferred upon him by law, for purposes deemed important to

the public is much more than a mere trespass. In a neighboring state the offence is punishable as a misdemeanor. We propose that it shall be made so punishable in this state.

Sections 218, 219. These sections are designed to guard against fraudulent and criminal evasions of the inspection laws. 18th August 1727, §10; 24th December 1774, §1; 5th April 1781, §15; 12th March 1789, §6; 3d April 1804, §4; 14th March 1814, §7; 22d March 1814, §4; 25th March 1818, §6; 11th April 1825, §7; 27th Feb. 1827, §6.

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A BILL

ENTITLED "AN ACT RELATING TO INSPECTIONS."

1. *Of the Inspection of Flour, Meal, Bread, &c.*

It is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, as follows:

Section 1. All flour of wheat, flour of rye, and meal made of Indian corn, shall, if designed for exportation, from either of the places mentioned in this section, be liable to be inspected, at the respective places as follows, to wit. First. At the city and county of Philadelphia, by the inspector of flour, appointed for the said city and county. Second. At the city of Pittsburg, and in the counties of Allegheny, Westmoreland, Washington, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, Venango, by the inspector of flour, appointed for the said city and counties.

Section 2. Flour of wheat, which shall be offered for sale in the borough of York, in the county of York, shall, upon the request of the purchaser thereof, be liable to be inspected by the inspector of flour appointed for the said borough.

Section 3. All flour which shall be brought from any of the adjoining states, into either of the counties of Allegheny, Westmoreland, Washington, Greene, Fayette, for the purpose of being offered for sale within the said counties, shall be liable to the like inspection and regulation, as flour manufactured within the said counties.

Section 4. Provided that flour and meal manufactured in any other state, and put up in casks which shall bear the brand, or the name of such state, may be exported from this Commonwealth, as the manufacture of the state from which it shall come, and not as the flour or meal of Pennsylvania, without being liable to inspection as aforesaid.

Section 5. And provided, also, that such flour or meal as shall be manufactured within the counties of Westmoreland, Washington, Greene, and Fayette, and transported by land out of this Commonwealth, shall not be liable to inspection as aforesaid.

Section 6. All flour liable to inspection as aforesaid, shall be made merchantable, and of due fineness, without any mixture of coarser or of different kinds of flour.

Section 7. All corn meal, liable to inspection as aforesaid, shall be made of kiln-dried corn : It shall be ground to a due degree of fineness, and be bolted and cooled before being packed.

Section 8. Provided, That nothing herein contained, shall be construed to prevent the exportation of sour or damaged flour as such if it be so marked, distinctly upon the casks containing the same.

Section 9. Flour of wheat, liable to inspection, as aforesaid, shall be packed in barrels or half barrels well made, of good seasoned materials, and tightened with ten hoops, sufficiently nailed with four nails in each chine hoop, and three nails in each upper bilge hoop.

Section 10. The barrels which shall be used for the purpose aforesaid, may be made of either of the sizes hereinafter specified. They shall be denominated "number one," or "number two," or "number three," according to the dimensions thereof, as follows, to wit.

The barrel "number one," shall be of the diameter of eighteen inches at the head.

The barrel "number two," shall be of the diameter of sixteen inches and a half at the head.

The barrel "number three" shall be of the diameter of fifteen inches and a half at the head :

And every such barrel shall be made of staves, twenty seven inches in length.

Every half barrel which shall be used for the purpose aforesaid, shall be of the diameter of twelve inches and a half at the head, and shall be made of staves twenty-three inches in length, and shall be denominated "number four."

Section 11. Every barrel, "number one," of wheat flour shall contain the full quantity, or weight of two hundred, twenty-four pounds of such flour.

Every barrel, "number two," of wheat flour shall contain the full quantity, or weight of one hundred, ninety-six pounds of such flour.

Every barrel, "number three," of wheat flour shall contain the full quantity or weight of one hundred, sixty-eight pounds of such flour.

Every half barrel of wheat flour shall contain the full quantity, or weight of ninety-eight pounds of such flour.

Section 12. Every miller or bolter shall brand every barrel and half barrel of flour put up by him, with the number *one, two, three, or four*, according to the dimensions thereof as aforesaid, before the same shall be removed from the place where the same was bolted, under the penalty of twenty cents for every barrel or half barrel removed without being so branded. He shall also, under the like penalty, brand as aforesaid every barrel and half barrel of flour, with the weight of the flour therein contained.

Section 13. Flour of rye, and meal of Indian corn, liable to inspection as aforesaid, may be packed in barrels or half barrels made in the manner hereinbefore described.

Section 14. Flour of rye, and meal made of Indian corn, liable to inspection as aforesaid, may also be packed in strong, tight, puncheons or hogsheads, suitable for molasses casks, well made of good seasoned white oak or red oak staves, with pine or other suitable heads, tightened and bound with sixteen good and sufficient hoops, two of which at least, namely, the second from each chine shall be of iron. They shall be well secured, with at least four nails in each chine hoop, and three wooden plugs or pegs at the upper edge of each upper bilge hoop.

Section 15. Every puncheon or hogshead, which shall be used for the purpose aforesaid, shall be of the following dimensions, to wit:

The diameter at the head shall be twenty-seven inches.

The diameter at the bung or bilge shall be thirty-one inches, and every such cask shall be made of staves forty-one inches in length.

Section 16. Every puncheon or hogshead of rye flour, or of corn meal, designed for exportation as aforesaid, shall contain the full quantity, or weight of eight hundred pounds, net of such flour or meal.

Section 17. Every cask of wheat flour of the kind called middlings, liable to inspection as aforesaid, shall be branded with the word "middlings" at length, before it shall be removed from the mill or bolting house, where the same shall have been first packed: And in default thereof, it shall be liable to seizure and forfeiture.

Section 18. Every cask, containing flour of rye, or corn meal, as aforesaid, shall have the tare or weight of the cask marked thereon: It shall be branded with the words, "rye flour," or "kiln-dried corn meal," at length, in a fair distinguishable manner, according to its contents: And also with the weight of the flour or meal contained therein, before it shall be removed from the place where the same

shall have been first packed. And every puncheon or hogshead of such flour or meal shall also be branded with the number "1800," and if any miller or bolter, shall fail to brand or mark any cask as aforesaid he shall be liable to a penalty of twenty cents for every such cask.

Section 19. Every miller or bolter of flour, for exportation, shall have a distinguishable brand mark, with which he shall brand each and every cask of flour, before it shall be removed from the place where the same shall be bolted, under the penalty of twenty cents for every cask which shall be removed, without being so branded.

Section 20. Every miller or bolter of flour, may if he think proper and with the word "superfine," such casks of wheat flour, as may in his opinion contain flour of that quality before removing them from the place where the same shall have been packed: Subject nevertheless to correction and alteration, by the officer appointed to inspect the same, if he shall adjudge the flour to be of an inferior quality.

Section 21. Every miller or bolter, may if he think proper, brand with the words "fine rye flour," such casks of rye flour as in his opinion may contain flour of that quality, before removing them from the place where the same shall have been packed: Subject, nevertheless to correction and alteration, by the officer appointed to inspect the same if he shall adjudge the flour to be of an inferior quality.

Section 22. The branding of the word "superfine," or "fine," as aforesaid shall be deemed a warranty by such miller or bolter, that the flour so denominated is of due fineness, and good and merchantable according to the standard of the inspection of flour, required by this act.

Section 23. The inspectors of flour shall in performing the duties of their respective office, view and measure every cask containing the flour or meal submitted to their inspection. They shall bore the head of each cask, and with a proper instrument pierce through the flour or meal and examine the same. If it shall appear to be honestly and properly packed, and of sufficient fineness, and in all other respects to be of the proper quality to pass as merchantable flour or meal, according to its denomination, the inspector shall plug up the hole with a plug stamped with the appropriate stamp, in the manner hereinafter provided.

Section 24. If the said inspector aforesaid, shall adjudge such flour or meal to be inferior to the standard of the merchantable quality of flour or meal indicated by the denomination "superfine," "fine," or "middlings," or to the standard of the merchantable quality of wheat flour, rye flour, or kiln dried corn meal required by this act, they are hereby required to cut out, and totally destroy the brand mark, or denomination branded thereon as aforesaid.

Section 25. The inspectors aforesaid shall, if they approve of the flour submitted to their examination as merchantable stamp the casks with the plugs used by them as aforesaid with the letters following, according to the place of inspection, to wit:

At the city and county of Philadelphia with the letters, S. P.

At the city of Pittsburg, or in the counties Westmoreland, Washington, Allegheny, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, Venango, with the letters W. P. At the borough of York, and in the county of York with the letters B. Y.

Section 26. If any miller or bolter of flour for exportation aforesaid, shall pack flour or meal in a cask of any size or dimensions not hereinbefore specified, he shall forfeit to the purchaser the cask which such flour or meal shall have been packed, or the value thereof in his account; and the person who shall have sold the same for exportation, shall forfeit and pay to the inspector of such flour or meal twenty cents for every such cask. And if any miller or bolter of flour shall pack any flour or meal in a cask not hooped and nailed aforesaid, he shall forfeit and pay to the purchaser thereof twenty cents for every such cask.

Section 27. If any miller or bolter of flour shall pack any cask either the dimensions aforesaid, with a less quantity of flour than specified for the same, he shall forfeit for every pound wanting weight ten cents, to be paid to the inspector.

Section 28. All flour which shall be offered for sale within the commonwealth as and for flour of wheat, or as and for flour of rye and which upon inspection as aforesaid, shall be found to be a mixture of such flour, with meal of Indian corn shall be condemned, and the person offering the same for sale as aforesaid, shall pay to the inspector three dollars for every such cask, one-fourth for the use of the said inspector, and three-fourths for the use of the commonwealth; and the flour so condemned shall not be exported, under the penalties and forfeitures provided by law against the exportation of flour not merchantable.

Section 29. Every person offering any flour or meal for sale in casks made of unseasoned materials shall pay to the inspector of such flour or meal fifty cents for each and every such cask; and the owner of such flour shall have an action for the damages which he may sustain thereby, against the miller or cooper who furnished such cask.

Section 30. No person shall lade or ship for transportation out of this state any flour or meal liable to be inspected, previously to exportation as aforesaid, before he shall offer the same to the view and examination of the inspector of flour of the port or place where the same shall be laden or intended to be laden, or before the same shall be inspected and approved according to law, under penalty of seventy-five cents for every cask, one half to the use of the person who shall give information thereof to the inspector, or any of his deputies, and the other half to the use of the said inspector.

Section 31. If any person shall offer to transport any such flour or meal out of this state, without being proved and branded in the manner required by this act, the same shall be forfeited.

Section 32. If any person shall impress or brand the word "superfine" upon any cask of wheat flour, or the word "fine" upon a cask of rye flour, after the same shall have been taken away from

place where the same shall have been packed, and before it shall have been inspected and allowed as such by the proper officer, such person shall be liable to the like penalties and punishments as are provided in the case of counterfeiting or impressing counterfeited brand marks upon articles liable to inspection.

Section 33. If any person shall fraudulently impress or cause to be impressed the brand mark "superfine," or the similitude thereof upon any cask of wheat flour, or the brand mark "fine," or the similitude thereof upon any cask of rye flour, after the same shall have been inspected as aforesaid or shall fraudulently ship or attempt to ship or lade or attempt to lade on board of any vessel, boat, or other water craft for exportation any wheat flour, the cask whereof shall bear the mark or brand of "superfine," or any cask of rye flour, the cask whereof shall bear the mark or brand of "fine," knowing such flour to be of an inferior quality, or with design to deceive, or to evade the regulation hereby intended, such person shall forfeit and pay two hundred dollars for every such offence, which fine shall be recovered by the attorney general for the use of the commonwealth. And every cask of such flour shall be liable to be seized and forfeited, one half for the use of the commonwealth, and the other half for the use of the person who shall prosecute the offender to conviction.

Section 34. If any person shall fraudulently impress or cause to be impressed, the brand mark "kiln dried corn meal," or the similitude thereof upon any cask of corn meal, after the same shall have been inspected as aforesaid, or shall fraudulently ship or attempt to ship, lade or attempt to lade on board of any vessel, boat, or other water craft for exportation, any corn meal, the cask whereof shall bear the mark or brand aforesaid, knowing such meal to be inferior to the standard of the merchantable quality, or with design to deceive or evade the regulation hereby intended, such person shall be liable to the like forfeitures to be recovered in like manner, and for the same use.

Section 35. All bread and biscuit, designed for exportation from the port of Philadelphia, shall be liable to be inspected by the inspector of flour, appointed for the city and county of Philadelphia.

Section 36. Every keg, in which biscuit shall be packed for exportation as aforesaid, shall contain at the least seven pounds of good and merchantable biscuit.

Section 37. Every cask containing bread or biscuit, shall have the tare or weight of such cask marked thereon.

Section 38. Every baker of bread or biscuit for exportation, shall deliver with the casks containing the same, an invoice of the contents of such casks, signed by him, under penalty of five dollars for every parcel delivered contrary hereto.

Section 39. If any cask of bread or biscuit, shall be found to be lighter than it is set down in the invoice aforesaid, the baker shall forfeit the bread or biscuit, and the casks so falsely invoiced.

Section 40. Every baker of bread, or biscuit for exportation shall have a distinguishable brand mark with which he shall brand each

and every cask of bread or biscuit, before it shall be removed from the place where the same shall be put up, under penalty of twenty cents for every cask which shall be removed without being so branded.

Section 41. If any person shall export or sell for exportation, from the port of Philadelphia, any biscuit, put up otherwise than according to the direction of this act, such person shall forfeit and pay seventy five cents for every keg so exported or sold for exportation. One half for the use of the inspector, and the other half for the use of the Commonwealth.

Section 42. The inspector aforesaid, shall, at the request of the buyer of any casks of flour, or corn meal, bread, or biscuit, or upon his suspicion of fraud or unfairness, unpack the same for examination. And if he shall find a less quantity of flour or meal in such cask than is hereinbefore directed, or if such cask containing flour, meal, bread, or biscuit, shall be found to weigh more than the tare marked thereon by the miller, bolter, or baker, as the case may be, who put up the same, shall pay the charges of unpacking or repacking, over and above the penalties provided in this act for such case. But otherwise the said charges shall be paid by the buyer, if the trial be made at his request.

Section 43. If any person shall put a false or a wrong tare, upon any cask containing flour, meal, or bread, to the disadvantage of the purchaser, such person shall forfeit for each cask, so falsely tared, the sum of seventy-five cents.

Section 44. Every miller and bolter of flour, and baker of bread or biscuit for exportation, shall cause his brand mark, as aforesaid, to be entered with the clerk of the court of quarter sessions of the county where he resides, together with his name and place of residence, under penalty of five dollars for every month, during which he shall have exercised his said employment, without having made such entry.

Section 45. Every cart, wain, and wagon, which shall be used to convey flour, corn meal, bread, or biscuit, designed for exportation from the mill or bakery, where the same shall have been put up, to the place of exportation, or to any other place, shall be provided with good and sufficient covering.

Section 46. Every open boat, flat, or shallop, which shall be used to convey flour, corn meal, bread, or biscuit from the mill or bakery, as aforesaid, or from any landing place to the place of exportation, or to any other place, shall be provided with a covering or tarpaulin sufficient to secure the same in case of rain.

Section 47. Every person who shall unload or discharge any flour, corn meal, bread, or biscuit, designed for exportation at any landing place, or other place, shall cause the same forthwith to be put in a store, or under a shelter sufficient to keep it dry.

Section 48. If the carrier of any flour, corn meal, bread, or biscuit, designed for exportation, shall cause or suffer the same to be wet, or to take damage for want of due care, or for want of sufficient shelter or covering as before required, such carrier shall forfeit and pay to

the owner twenty-five cents for every cask of flour, corn meal, bread, and biscuit, over and above the damage actually sustained.

Section 49. The masters of ships or other vessels, having laden any flour, corn meal, bread or biscuit for exportation from this state, shall, in their manifest expressly, and distinctly declare, the number of the barrels or casks thereof laden respectively, and by whom each parcel thereof shall have been shipped; and the proper inspector shall have free access to such manifests or declarations, and liberty to take abstracts thereof.

Section 50. If the master of any vessel, having shipped any flour, corn meal, bread, or biscuit, shall neglect or refuse to make such declaration, or shall refuse the said inspector access thereto, or the liberty to take an abstract thereof, as aforesaid, he shall forfeit and pay to the inspector the amount of his fees for inspecting the whole cargo of flour, which shall have been shipped as aforesaid.

Section 51. Provided, That nothing contained in the six last preceding sections shall extend to the city of Pittsburg, or to the counties of Westmoreland, Washington, Allegheny, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren, Venango.

Section 52. The inspectors of flour, for the city and county of Philadelphia may demand and receive for each barrel of flour or meal inspected by him one cent: for each hogshead of corn meal or rye meal inspected by him, two cents: for weighing and ascertaining the under tare of every hogshead or puncheon thirty cents: for every barrel, half barrel or keg six cents.

The inspector of flour for the borough of York, may demand and receive for each cask of flour inspected by him, three cents.

The inspector of flour for the city of Pittsburg, and the counties of Allegheny, Westmoreland, Washington, Fayette, Greene, Indiana, Jefferson, Armstrong, Butler, Beaver, Mercer, Crawford, Erie, Warren and Venango, or his deputies, may demand and receive for each cask of flour or meal which he or they shall actually examine at any harbour, mill, or landing place within the said counties, three cents.

Section 53. The inspectors of flour aforesaid, are hereby authorised to demand and receive payment of the fees of inspection from the owner of the flour, meal, biscuit, or bread, his agent or factor or other person in possession of the said flour or meal, biscuit or bread, at the time of inspection. And the said owner, agent, factor or other person in possession of the said flour, meal, biscuit, or bread shall pay to the said inspector, the full amount of the fees due, and owing for the said inspection.

Section 54. The owner, his agent or factor, or the person so paying the fees of inspection, is hereby authorised to demand and receive the said fees from the persons purchasing from the owner, his agent or factor, or other person in possession of the flour, meal, biscuit, or bread so inspected: And the said fees of inspection so paid, shall be a charge on the sale of the said flour, meal, biscuit, or bread, by the owner, his agents or factors, or other persons in possession after its

inspection, distinct and separate from the price agreed on for the said flour.

Section 55. The owner or possessor of any meal, flour, or bread which shall be adjudged to be unmerchantable, or not to be in the condition required by law for sale or exportation as aforesaid, shall pay for the inspection thereof the same fees as if the same had been adjudged to be merchantable and fit for sale or exportation.

2. *Beef and Pork.*

Section 56. Salted beef and pork shall, if designed for ship stores or for exportation from the port of Philadelphia, be liable to be inspected by the inspector of salted provisions appointed for the said port.

Section 57. Provided, that salted beef and pork as aforesaid, which shall be imported, or brought from any other state, or country, and which shall bear the brand of the name of such state or country upon the casks containing the same, may be sold or exported as aforesaid as the product of the state or country from which it shall come and not as the beef or pork of Pennsylvania, without being liable to inspection as aforesaid.

Section 58. Salted beef and pork liable to inspection as aforesaid shall be sound and otherwise merchantable: It shall be well packed in tierces, barrels, or half barrels, and be sufficiently secured with salt and pickle.

Section 59. Every tierce, barrel, and half barrel, which shall be used for the purpose aforesaid, shall be made of sound and well seasoned white oak timber: It shall be hooped with at least fourteen good and substantial hoops, and secured at each upper bilge hoop by wooden pins or pegs, and at each head or chine hoop, with at least three iron nails.

Section 60. The dimensions of the casks to be used as aforesaid shall be as follows.

Every tierce shall be of the gauge of forty two gallons, wine measure.

Every barral which shall be used for the packing of beef, shall be of the gauge of twenty eight gallons wine measure.

Every barrel which shall be used for the packing of beef shall be of the gauge of twenty eight gallons wine measure.

Every half barrel, which shall be used for the packing of pork or beef, shall be of the gauge of fifteen gallons wine measure.

Section 61. The quantity of beef or pork which shall be packed in every cask used as aforesaid, shall be as follows.

In every tierce so used, shall be packed the full quantity or weight of three hundred pounds.

In every barrel so used, the full quantity or weight of two hundred pounds.

In every half barrel so used, the full quantity or weight of one hundred pounds.

Section 62. It shall not be lawful for the person packing or putting up any beef for ship stores, or exportation as aforesaid, to put or pack in any tierce of beef, more than three legs or shins of beef, or in any barrel of beef more than two legs or shins of beef, or in any half barrel of beef more than one leg or shin of beef.

Section 63. It shall not be lawful for the person packing or putting up any pork for ship stores or for exportation as aforesaid, to put or pack in any tierce of pork, more than three heads of pork, or in any barrel of pork more than two heads of pork, or in any half barrel of pork more than one head of pork.

Section 64. It shall also be lawful for any person to put up or pack beef for ship stores or exportation as aforesaid under the denominations of "extra mess," "mess," "prime," or "cargo" beef if the same shall be of the quality and assorted in manner herein specified, to wit.

1. Extra mess beef shall consist of the best pieces of oxen or steers well fatted, and weighing at the least six hundred pounds, exclusively of the hide and tallow.

2. Mess beef shall consist of good pieces of large and well fatted cattle, weighing not less than four hundred pounds, without hocks, shanks, or any of the neck.

3. Prime beef shall consist of good pieces of well fatted cattle, without hocks or more than two shanks, and one half of a neck to a barrel.

4. Cargo beef shall consist of a proportion of good pieces of fatted cattle, without hocks or more than three shanks, and one half of one neck to a barrel.

Section 65. It shall also be lawful for any person to put up or pack pork for ship stores or exportation, under the denomination of "mess," "prime" or "cargo" pork, if the same shall be of the quality, and assorted in the manner herein specified, to wit :

1. Mess pork shall consist of the sides or rib pieces of well fatted hogs exclusively of other pieces.

2. Prime pork shall consist of a proportion of side pieces, neck, and tail pieces, and each barrel of such pork may contain twenty-four pounds of head, properly dressed and prepared, but not any greater quantity of head.

3. Cargo pork shall be good and merchantable, and shall not contain more than thirty pounds of head, prepared as aforesaid, nor more than four shoulders to a barrel.

4. The side pieces aforesaid shall be cut from the back bone to the belly, and each piece shall be about five inches wide, and shall weigh not less than four pounds.

Section 66. The branding of the words, "extra mess" or the word "mess" "prime" or "cargo" as aforesaid, by the owner or person putting up any beef or pork, shall be deemed a warranty by him, that the article so denominated is good and merchantable, and assorted according to the requirements of this act.

Section 67. The cooper, packer, or other person, putting up any beef or pork liable to inspection, as aforesaid, shall distinctly brand

upon one of the heads of the cask containing the same, the initial letter of his Christian name, and his surname at full length.

Section 68. The inspector aforesaid shall brand upon every cask of beef or pork, which he shall find to be merchantable as aforesaid, in a plain legible manner the word "Philadelphia" at full length.

Section 69. If the inspector aforesaid shall find upon the examination of any tierce, barrel, or half barrel of beef or pork, that the same is not merchantable as aforesaid, he shall erase and effectually deface therefrom the brand marks of the cooper, packer, or person putting up the same; and if the same cannot be made merchantable as aforesaid, by salting, pickling, repacking, and coopering, he shall impress distinctly upon one of the heads of such cask the mark of a cross (*thus* X) each stroke of which shall be at least three inches in length.

Section 70. If any person shall fraudulently impress or brand the words "extra mess," or the word "mess," "prime," or "cargo," upon any cask of beef or pork, after the same shall have been inspected as aforesaid, or shall fraudulently ship or attempt to ship, lade or attempt to lade on board of any vessel for exportation from the port aforesaid, any cask of beef or pork, which shall bear the mark or brand of "extra mess" "mess," "prime," or "cargo," knowing such beef or pork to be inferior to the quality so denominated, or with design to deceive or evade the regulation hereby intended, such person shall forfeit and pay for the use of the commonwealth two hundred dollars for every such offence. And such beef or pork shall be liable to seizure and forfeiture.

Section 71. If any person shall sell and deliver for ship stores, or shall export or lade for exportation at, or from the port of Philadelphia, any salted beef or pork liable to inspection, as aforesaid, before the same shall have been inspected and approved according to law, such person shall forfeit and pay for every cask so sold and delivered, exported, or laden for exportation, one dollar and fifty cents.

3. *Salted Fish.*

Section 72. Shad and herring put up in barrels or half barrels, shall, if designed for exportation from the port of Philadelphia, be liable to be inspected by the inspector of salted provisions, appointed for the said port.

Section 73. Salted fish put up in barrels or half barrels, shall before sale or exportation, be liable to be inspected at the city of Pittsburgh, and at the borough of Columbia, in the county of Lancaster by the inspector of salted fish, appointed for the said city or borough respectively.

Section 74. Provided, That salted shad or herring, put up as aforesaid, which shall have been imported, or brought from any other state or country, and which shall bear the brand of the name of such state or country, may be exported from this state with the same name branded thereon, and not as the shad or herring of Pennsylvania, without being liable to inspection as aforesaid.

Section 75. Salted fish, liable to inspection as aforesaid, shall be well packed, and secured with a proper quantity of dry salt, in casks made tight, and sufficient to contain salt and pickle, hooped with at least twelve good and sufficient hoops, and secured at each upper bilge hoop with three nails or pins, and at each head or chine hoop, with at least three nails.

Section 76. Every barrel which shall be used for the purpose aforesaid, shall be of the following dimensions, to wit:

The length of the stave when in the barrel shall be twenty-seven inches and a half.

The diameter at the head of the barrel shall be seventeen inches and a half, and the diameter at the bilge shall be twenty inches.

It shall be of the gauge of twenty-eight gallons wine measure.

Every half barrel, which shall be used for the purpose aforesaid, shall be of the gauge of fourteen gallons, wine measure.

Section 77. Every barrel and half barrel of salted fish, liable to inspection as aforesaid, shall be branded with the initial letter of the Christian name, and the surname at full length of the person or persons putting up the same, or of the person selling the same, under penalty of twenty-five cents for every such cask.


Section 78. Every person who shall bring any barrel or half barrel of any such fish to the said city of Pittsburg, or to the said borough of Columbia, shall within eight days thereafter, deliver to the proper inspector or his deputy a written report of the number of casks thereof, and the place where the same shall have been deposited, under a penalty of one dollar for each and every such cask.

Section 79. Every cask, containing salted fish, liable to inspection as aforesaid, shall be inspected by opening, and if necessary by unpacking and repacking the same, so that the inspector may judge of the soundness and true package of the fish as well as of the contents of the cask.

Section 80. The inspector aforesaid, shall brand in a plain and legible manner, with the word "Philadelphia," "Pittsburg," or "Columbia," according to the place of inspection, and also with the name of the kind of fish inspected, every cask thereof which upon inspection shall find to be sound and merchantable, and secured in the manner aforesaid. He shall also brand thereon the initial letter of his Christian name, and his surname at full length, and either "number one," or "number two," according to the quality of the fish: that is to say, fish of the best quality he shall brand or mark No. 1. and fish of inferior quality, No. 2.

Section 81. If the inspector shall upon examination find any barrel or half barrel, containing salted fish not to be of the proper description, or if he shall find the fish not to be merchantable as aforesaid, he shall immediately and effectually deface therefrom the brand marks, and if the fish cannot be made merchantable as aforesaid, by salting, pickling, smoking, and cooping, it shall be the duty of the inspector, to impress distinctly upon such barrel or half barrel, a mark of condemnation in the manner following.

1. If such fish shall be inspected at Philadelphia, the inspector shall impress upon one of the heads of such cask, the mark of a cross (thus X) each stroke of which cross shall be at least two inches and a half in length.

2. If such fish shall be inspected at the city of Pittsburg or the borough of Columbia aforesaid, the inspector shall cause the casks to be marked on the bilge with a broad arrow, (thus ) or if required to secure them for future examination, which examination the owner or person selling the same, shall procure to be made within four days.

Section 82. If any person shall export, or lade for exportation from the port of Philadelphia, or shall sell and deliver for exportation from the said port, any shad or herring, before the same shall have been inspected and approved, and branded and marked according to law, such person shall forfeit and pay for every cask thereof exported or laden, or sold and delivered, one dollar and thirty-three cents.

Section 83. Provided, That if any such fish shall be laden for exportation, or shall be sold and delivered as aforesaid, without being so branded, the inspector may, after the penalty for such neglect shall have been paid, brand the same with his own name, and may demand and receive therefor from the person so lading or selling and delivering the same, the sum of six cents for every such cask.

Section 84. And if any person shall export or lade on board of a boat, raft, or other water craft for exportation from the city of Pittsburg, or from the borough of Columbia aforesaid, or shall sell or purchase in the said city or borough any salted fish put up in barrel or half barrels, before the same shall have been inspected and approved and branded and marked according to law, such persons shall forfeit and pay for every cask so laden ten dollars, and for every cask sold or purchased five dollars.

Section 85. If any salted fish, liable to inspection as aforesaid, shall be found, upon the examination thereof by the inspector, to be fraudulently packed, either by the use of improper or unfit substance or by the intermixture or use of fish of different qualities, the owner thereof or his agent shall forfeit and pay for each and every such cask, the sum of five dollars.

Section 86. Salted fish liable to inspection as aforesaid, shall if they have remained on hand unsold, or not exported, during six months after the inspecting and branding thereof as aforesaid, when again examined by the inspector, and if found to be unsound, shall be subject to the regulations, provided for the case of salted fish which have not been inspected.

Section 87. Every cask of salted fish, liable to inspection, shall be filled up by the owner thereof, or by persons employed by him for that purpose, and be packed or repacked by him or them as they may be, and in all respects completed in such manner as the inspector shall require or direct, under penalty of one dollar for each and every cask.

Section 88. The inspector of salted provisions for the port of Philadelphia, and the inspectors of salted fish for the city of Pittsburg, and the borough of Columbia, may demand and receive.

1. For inspecting, examining, and branding each barrel and half barrel of salted fish, eight cents.

2. For branding each barrel and half barrel of salted herring with the words "for county," and with his own name, two cents.

3. For searching, packing, or repacking, heading and branding a barrel of salted fish, thirteen cents.

Section 89. The inspector of salted provisions for the port of Philadelphia may demand and receive,

1. For inspecting, examining, and branding each tierce, barrel and half barrel of salted beef or pork, eight cents.

2. For searching, packing, or repacking, heading, and branding a tierce of salted beef or pork, twenty cents.

3. For searching, packing, or repacking, heading, and branding a barrel or half barrel of beef or pork, thirteen cents.

Section 90. The inspectors aforesaid may also demand and receive each other and further allowance and compensation, as shall be reasonable and customary to allow for the expense and trouble of coo-
perage, in putting each cask of salted provisions into good and mer-
chantable order and condition.

Section 91. Provided, That the owner of any salted provisions as aforesaid, or his agent may employ, or any person other than the said inspector, to do the cooperage necessary to put the same in good merchantable order and condition as aforesaid. And in such case, the said inspector shall not be entitled to any allowance on account of such cooperage.

Section 92. The inspectors aforesaid, may demand and receive from the owner, possessor, or person selling any salted provisions as aforesaid, which shall be adjudged to be unmerchantable, or not in the condition required by law, for sale, or exportation, the same fees as the same had been adjudged to be merchantable and fit for sale for exportation

6. *Butter and Hog's Lard.*

Section 93. Butter and hogs lard, shall, if designed for exportation from any port or place upon the river Delaware, be liable to be inspected by the inspector of butter and hogs lard, appointed for the city and county of Philadelphia, or his deputy.

Section 94. Butter and hogs lard, liable to inspection as aforesaid, shall be sufficiently salted for exportation, and shall be put up in kegs, half kegs, or tubs made of sound and well seasoned white oak staves or timber, or in canisters.

Section 95. Every keg which shall be used for the purpose aforesaid shall be sixteen inches and a half in length. Eleven inches in diameter at the head, and thirteen inches in diameter at the bilge. It shall be tightened with at least ten hoops, and nailed with three nails in each head hoop.

Every half keg which shall be used for the purpose aforesaid shall be eleven inches and a half in length, nine inches in diameter at the head, and ten inches in diameter at the bilge. It shall be tightened with at least eight hoops, and be nailed with three nails in each head hoop.

Section 96. Every keg, half keg, and tub, containing butter or lard liable to inspection as aforesaid, shall be weighed, and the tare or weight thereof shall be marked, before inspection, on one of the heads with a marking iron, in legible characters.

Section 97. The instrument which shall be used by the inspector for the purpose of boring and inspecting packages containing butter or lard, shall in every case be a centre bit, not exceeding one half of an inch in diameter, and the inspector shall not make therewith a hole which shall exceed five eighths of an inch in diameter. And he shall carefully return the butter or lard drawn out for inspection, into the package from which it shall be taken, and then securely plug up the same with sufficient oaken plugs.

Section 98. The inspector aforesaid, shall brand distinctly, each package with the initial letter of the name of the article, inspected (wheat, with the letter B. or L.) which letter shall not be less than three fourths of an inch in length.

Section 99. The inspector aforesaid, shall also use the three following marks and numbers, in the inspection of butter aforesaid, viz: "No. 1 extra" which shall designate butter of the first and best quality, "No. 1," which shall designate butter of the second quality, and "No. 2" which shall designate the third quality of merchantable butter, and no other numbers shall be used by such inspector.

Section 100. If the inspector shall find any butter or lard, which in his opinion is not merchantable, he shall brand the head of each keg, half keg, tub containing it, with a distinct mark of a cross (the letter X) and each stroke of the said cross shall be at least two inches long.

Section 101. If the butter or lard inspected, be contained in canisters, it shall be sufficient if the inspector examine as aforesaid, one canister in every five, marking the package in the manner aforesaid containing such canisters.

Section 102. All butter and hogs lard which shall be laden for exportation as aforesaid, if not contained in kegs, half kegs, tubs or canisters, as aforesaid, shall be seized by the said inspector, and forfeited to the guardians for the relief and employment of the Poor in the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn, for the use of the Poor in the Alms House and House of Employment, in or near the said city together with the articles in which the same shall have been packed. And it shall be the duty of the said inspector, forthwith, after seizure as aforesaid, to cause the same to be delivered according to law. Provided that the portorage, and other incidental expenses shall be paid by the said guardians, on the delivery thereof.

Section 103. And if any person shall export as aforesaid, any butter or hogs lard not contained in kegs, half kegs, tubs or canisters

as aforesaid, such person shall forfeit a sum, which shall be equal to the value of the butter or lard so exported, and of the article or thing in which the same may be contained; one half for the use of the informer, and the other half for the use of the commonwealth.

Section 104. If any person shall export, or shall lade or ship for exportation as aforesaid, any butter or hogs lard, not inspected as aforesaid, and marked as merchantable, such person shall forfeit and pay for every keg, half keg, and tub, so laden, two dollars. One half for the use of the informer, and the other half for the use of the commonwealth.

Section 105. The inspectors of butter and hogs lard may demand and receive for inspecting, examining, branding and plugging each keg, half keg, and tub of butter or lard, four cents. And the like sum for every five canisters of butter or lard which he shall inspect.

Section 106. The inspector aforesaid may also demand and receive such other and further allowance and compensation, as shall be reasonable and customary to allow for the expense and trouble of cooperage, and putting each keg, half keg, and tub of butter or lard in good and merchantable order and condition.

Section 107. Provided, That the owner of such butter or lard, or his agent, may employ any person other than the said inspector, to perform the cooperage necessary to put the same in good and merchantable order and condition as aforesaid.

Section 108. The expense of the inspection of butter or hogs lard, shall be paid by the purchaser thereof, and the expense of the cooperage, if any be necessary, shall be paid by the seller.

5. *Pot and Pearl Ashes.*

Section 109. Pot and Pearl Ashes shall, if designed for exportation from the port of Philadelphia, be liable to inspection, by the inspector of pot and pearl ashes, appointed for the said port.

Section 110. Provided, that pot or pearl ashes which shall have been imported or brought from any other state or country, and which shall bear the brand of the name of such state or country, may be exported from this state with such name branded thereon, as the product and manufacture of the state from which it shall come and not as the product or manufacture of Pennsylvania, without being liable to inspection as aforesaid.

Section 111. Pot and pearl ashes liable to inspection as aforesaid shall be put up and secured in sound, tight and full bound casks, made of white oak staves and heading, or of such other sound timber as the inspector shall judge proper: And every cask which shall be used for the purpose aforesaid, shall be twenty nine inches in length, and nineteen inches in diameter at the heads.

Section 112. The inspector aforesaid, shall, for the purpose of inspection, start the ashes submitted to him, out of the casks, and carefully examine and try the same. He shall assort them into three different sorts or kinds, as hereinafter provided, if necessary, and put

each sort or kind by itself in casks made in the manner hereinbefore directed.

Section 113. The inspector aforesaid, shall, after starting the ashes for inspection, weigh each cask containing the same. He shall also weigh each cask thereof, after the same shall have been repacked. He shall mark thereon with a marking iron. the gross weight of such cask, and also thereunder the tare.

Section 114. The inspector aforesaid shall brand in plain legible letters, the head of each cask of ashes inspected and approved by him in the following manner:

1. With the words "pot ashes," or "pearl ashes," according to the contents.

2. With the words "first sort," "second sort," or "third sort," according to the quality of the ashes as aforesaid.

3. With the letters of his name, and with the words "port of Philadelphia," and in figures the year in which the inspection shall be made.

Section 115. If the inspector aforesaid, shall discover any adulteration of the ashes submitted to his inspection, either by the admixture of stone, lime, salt, or any other improper substance, he shall distinctly brand the cask, containing such adulterated ashes with the word "*condemned.*"

Section 116. The inspector aforesaid, shall after the inspection and approval of any ashes, as aforesaid, deliver to the owner or possessor thereof an invoice or weigh note under his hand, in which he shall put down the weight of each cask, and shall distinguish the contents thereof, in the manner hereinbefore directed, and not in any other way, or by any other denomination.

Section 117. If any cask, containing ashes as aforesaid, shall in the judgment of the inspector, be insufficient or unfit for exportation, such cooperage shall be done, or such new casks shall be made, as may in the opinion of the inspector be necessary, at the expense of the seller.

Section 118. If any person shall export or lade for exportation from the port of Philadelphia, any pot or pearl ashes, liable to inspection as aforesaid, before the same shall have been inspected and approved according to law, such person shall forfeit such pot or pearl ashes, and every cask thereof so laden or exported, or the value thereof.

Section 119. If any person shall sell, or offer or expose for sale any ashes condemned as aforesaid, for any other than condemned ashes he shall forfeit the sum of twenty five dollars for every cask thereof so sold or exposed for sale.

Section 120. The master or commander of any vessel, who shall receive any cask of pot or pearl ashes, liable to inspection as aforesaid, and not branded as approved in the manner aforesaid, shall forfeit and pay the sum of twelve dollars and fifty cents for every such cask.

Section 121. Every person who shall intermix with any pot or pearl ashes any stone, lime, salt, or other improper substance with intent to defraud, shall forfeit and pay the sum of twenty dollars for every cask which shall be found to contain ashes so adulterated.

Section 122. The inspector of pot and pearl ashes may demand and receive, for starting, trying, assorting, inspecting, repacking, marking and branding each cask, of pot or pearl ashes, and for all other the services hereinbefore required of him, at the rate of ten cents for every hundred weight of such ashes: One half of which shall be paid by the seller, and the other half by the purchaser thereof.

Section 123. If the ashes submitted to inspection as aforesaid, shall be condemned, the person owning or submitting the same for inspection, shall pay to the inspector the like fees as though such ashes had been merchantable.

6. Tobacco.

Section 124. All tobacco, designed for exportation from the port of Philadelphia shall be liable to be inspected by the inspector of tobacco appointed for the said port.

Section 125. Provided, that tobacco imported, or brought from any other state or country, which shall bear the brand or mark of the name of such state or country, upon the cask or package containing the same, may be exported as the product of the state or country from which it came, and not as the product of Pennsylvania, without being liable to inspection as aforesaid.

Section 126. The inspector of tobacco shall provide and keep sufficient store houses, conveniently situated for shipping tobacco: And also presses, brands and scratches, and all other apparatus necessary for the inspecting of such tobacco as may be liable to inspection as aforesaid.

Section 127. It shall be the duty of the inspector aforesaid, to strip, sample, and press all tobacco submitted to his inspection. He shall make in every hogshead inspected three breaks, and from each break two hands shall be drawn, tied up and sealed, which shall compose the sample of the same. He shall also give a certificate for each and every hogshead marked and numbered as per sample.

Section 128. If any person shall export or lade for exportation from the port aforesaid, any tobacco liable to inspection as aforesaid before the same shall have been inspected and approved according to law, such person shall forfeit and pay for every hogshead so exported or laden fifty dollars, one half for the use of the inspector, the other half for the use of the Commonwealth.

Section 129. The inspector of tobacco may demand and receive upon each hogshead of tobacco, for stripping, sampling, pressing, coopering and branding, one dollar, which fee shall be paid by the planter, merchant or importer, at the time he shall receive the sample. He may demand and receive the further sum of twenty five cents upon each hogshead, which he shall deliver at any time within one year to any person who shall produce to him the certificate, given as

aforesaid for the purpose of receiving the same. He may also demand and receive upon each hogshead which shall remain stored for any period greater than a year, after the same shall have been inspected by him, at the rate of twelve and a half cents for every month he shall have stored the same.

7. Domestic Distilled Spirits.

Section 130. Spirituous liquors distilled within this Commonwealth shall if designed for exportation from the port of Philadelphia, be liable to inspection by an inspector of domestic distilled spirits appointed for the city and county of Philadelphia.

Domestic distilled spirits may also be inspected at each of the following named places to wit.

At the borough of Columbia in the county of Lancaster, by the inspector of domestic distilled spirits appointed for the said borough.

At the borough of Washington in the county of Lancaster, by the inspector of domestic distilled spirits residing in the said borough, and appointed for the said borough and the township of Manor.

At the town of Wrightsville in the county of York, by the inspector of domestic distilled spirits appointed for the said town.

Section 131. Every inspector of domestic distilled spirits, shall also by virtue of his said office, be a gauger, and shall perform the duty of gauging all casks containing such spirits submitted to his inspection and shall mark thereon the quantity of spirits therein contained in the manner hereinafter provided.

Section 132. Spirituous liquors liable to inspection as aforesaid shall be put up in barrels, double barrels or hogsheads.

Section 133. Every cask which shall be used for the purpose aforesaid, shall be tight and made of sound well seasoned white oak staves free of sap: And every barrel so used shall be secured with twelve good hoops, and every double barrel, and every hogshead so used shall be secured with sixteen good hoops.

Section 134. Every person who shall put up any domestic distilled spirits, for exportation as aforesaid, shall cause the tare or the weight of each cask to be accurately marked thereon, with a marking iron in pounds and ounces avoirdupois.

Section 135. Every inspector of domestic distilled spirits as aforesaid, shall have or procure, and keep constantly in good order, a correct sett of gauging instruments, made in accordance with the standard measure of the wine gallon of this commonwealth, namely, a scale, calipers, and a rod. He shall also procure and keep as aforesaid a hydrometer of the kind commonly called "dias" Liverpool patent hydrometer."

Section 136. The standard of proofs of domestic distilled spirits shall be as follows, to wit:

If the liquor shall be hydrometer proof or one hundred parts spirits, and one hundred parts water, it shall be marked as liquor of the fourth proof.

If the liquor shall be five degrees below hydrometer proof, it shall be marked as liquor of the third proof.

If the liquor shall be ten degrees below hydrometer proof, it shall be marked as liquor of the second proof.

If the liquor shall be fifteen degrees below hydrometer proof, it shall be marked as liquor of the first proof.

Section 137. The inspector aforesaid, having ascertained the quantity, strength, and quality of any spirituous liquors as aforesaid, and also the ullage, shall mark the same with lampblack in legible characters on the head of the cask containing such liquor in the manner practised by the officers of the customs of the United States; and to distinguish the proofs of such liquor, he shall also mark thereon in the like manner 1 P to designate the first proof, 2 P to designate the second proof, 3 P to designate the third proof, and 4 P to designate the fourth proof, and the number of degrees which such liquor may be above the proofs so marked; or if the liquor inspected shall be below the first proof as aforesaid, he shall mark the number of degrees; which it may be under that proof [thus 1 D. 2 D. 3 D. 4 D.] according to the fact.

Section 138. The inspector aforesaid shall mark with a marking on the letter [P] on the bilge and near the bung of every barrel, double barrel, and hogshead inspected by him as aforesaid, if such cask shall have been made and secured in the manner hereinbefore directed.

Section 139. The owner or seller of the cask, made and marked as aforesaid, shall be entitled to demand and receive from the purchaser one dollar and twenty-five cents for each barrel, and one dollar and seventy-five cents for each double barrel, and two dollars and twenty-five cents for each hogshead.

Section 140. If any person shall export or lade for exportation from the port of Philadelphia, any distilled spirituous liquors liable to inspection, as aforesaid, before the same shall have been inspected and marked according to law, such person shall forfeit and pay ten dollars for every barrel, and twenty dollars for every double barrel and hogshead, or other cask or vessel containing such liquor so exported or laden, to be recovered by the inspector aforesaid for the city and county of Philadelphia, for the use of the poor of the said city and county.

Section 141. All liquors sold by inspection at the port of Philadelphia, shall be inspected and gauged by the inspector of domestic distilled spirits appointed as aforesaid.

Section 142. If upon the subsequent inspection of any liquors, which shall have been inspected and marked as aforesaid, such liquors shall be found to be under the proof originally marked, the holder thereof shall be liable to a penalty, to be estimated as follows, to wit: For every gallon two degrees under the proof so marked, ten cents. For every gallon three degrees under the proof so marked, six cents, and so on in that ratio.

Section 143. It shall be the duty of the inspector of domestic distilled spirits, appointed for the city and county of Philadelphia upon

the request of the seller or buyer of any cider contained in hogshead or other casks, containing more than thirty-two gallons to gauge and mark the contents of such cask thereon in the manner hereinbefore provided.

Section 144. Every inspector who shall gauge and mark erroneously any cask of spirits or cider liable to his inspection as aforesaid shall forfeit and pay to the person who may be injured thereby, twice the value of the excess or deficiency of the quantity marked, of the quantity actually contained in such cask.

Section 145. Provided, That such error shall amount to one gallon or more in a barrel, and to two gallons or more in a cask containing two barrels, and to three gallons or more in a hogshead.

Section 146. If any inspector of domestic distilled spirits shall make use of a false hydrometer or gauging instruments, knowing them to be such, or shall in any way misbehave or abuse the powers granted him, the Governor shall, upon receiving information thereof, cause the official bond of such inspector to be put in suit.

Section 147. The inspectors of domestic distilled spirits may demand and receive, for gauging, inspecting and marking each cask, barrel or hogshead of domestic distilled spirits, or of cider, and for taking out and replacing the bung when required, twelve and a half cents.

Section 148. The fees of inspection at Philadelphia aforesaid, shall be paid by the purchaser, in case the spirits shall come up to proof. Otherwise the same shall be paid by the person offering the same for sale.

The fees of inspection at Columbia, Washington, and Wrightsboro aforesaid, shall in all cases be paid by the seller.

Section 149. Whenever any cask of any such distilled spirits shall be re-inspected, the seller or person offering to sell the same, shall pay the fees of re-inspection, if the proof shall be under the proof marked on such cask; and the buyer shall pay the fees of such inspection, if the proof shall not be under the proof marked as aforesaid.

8. *Black Oak Bark.*

Section 150. Ground black oak bark shall, if designed for exportation from the port of Philadelphia, be liable to be inspected; by the inspector of bark appointed for the said port.

Section 151. All bark liable to inspection as aforesaid, shall be shaved clean from the ross or outside bark. It shall be ground sufficiently fine for use, and be free from damage by wet, mould or otherwise.

Section 152. All bark designed for exportation as aforesaid, shall be well packed, in good and sufficient casks, having at least two hoops thereon, with lining hoops on each end, well secured.

Section 153. Every manufacturer of bark for exportation as aforesaid, shall brand upon the head of each cask, his name, distinctly

length, under penalty of one dollar for each cask which shall not be so branded.

Section 154. Bark liable to inspection as aforesaid, shall, for the purpose of inspection, be deposited, at the expense of the owner thereof, at such convenient place within the city or Liberties of Philadelphia, as the inspector aforesaid shall direct.

Section 155. It shall be the duty of the inspector aforesaid, to give the person depositing such bark as aforesaid, or to the owner thereof, receipt acknowledging the delivery thereof to him for the purpose of inspection: And he shall not deliver such bark to any person until it shall have been inspected and approved of, or condemned.

Section 156. Merchantable bark, as aforesaid, shall be divided into three sorts or qualities, according to its value, to be denominated "first quality," "second quality," or "third quality;" and each quality as aforesaid, shall be divided again into two sorts or kinds, according to its value, to be denominated "No. 1" or "No. 2."—*That is to say:* Merchantable bark of the best quality and manufacture in the best manner, shall be rated and denominated "first quality No. 1," and merchantable bark inferior in quality or manufacture to the first quality, No. 1, as aforesaid, shall be rated or denominated "first quality No. 2," "second quality No. 1," "second quality No. 2," "third quality No. 1," or "third quality No. 2," as its quality or manufacture may merit.

Section 157. The inspector of bark shall, in performing the duties of his office, start and unpack, if necessary, bark submitted to him for inspection, and carefully examine the quality and manufacture thereof: and thereupon, he shall properly repack the same, and brand the casks in the manner hereinafter directed.

Section 158. The inspector aforesaid shall brand each cask of bark inspected by him, which he shall find to be merchantable, in the manner following:

1. With the words "first quality," "second quality," or "third quality," and with "No. 1" or "No. 2," according to its quality aforesaid.

2. With his own name, and also with the word "Philadelphia."

Section 159. If the inspector shall find in any cask of bark submitted to his inspection as aforesaid, any mixture of different barks or of tan or other extraneous substances; or if the same shall not be saved clean from ross, and be free from damage by wet, mould, or otherwise, as aforesaid, he shall condemn the same, and mark distinctly on each head with a marking iron the letter C.

Section 160. The inspector shall weigh each cask, and furnish the owner with an invoice specifying the gross weight and the tare of each cask, which invoice shall be signed by him. And for every hundred weight gross there shall be an allowance of one pound for draft.

Section 161. If any person shall export or lade for exportation from the port of Philadelphia, any ground black oak bark, before the

same shall have been inspected, and approved as merchantable, by the officer appointed for that purpose, such person shall forfeit and pay twenty dollars for every cask so exported or laden, one half to the use of the person who shall prosecute therefor, and the other half for the use of the Commonwealth.

Section 162. If any person shall return on any cask a lighter tar than its actual weight, such person shall forfeit and pay the sum of twenty dollars for every such cask; one half for the use of the person who shall prosecute therefor, and the other half for the use of the Commonwealth.

Section 163. Nothing in this act shall be construed to prevent any person from exporting any oak bark unground, nor from selling bark which may have been condemned for home consumption. Nor shall any thing in this act be construed to extend to liquid extracts of bark or to any preparation of bark for which a patent has been obtained or for which a patent may hereafter be obtained from the United States.

Section 164. The inspector of ground black oak bark may demand and receive for inspecting every ton weight of bark, one dollar and fifty cents; one half of which sum shall be paid by the buyer, and the other half by the seller. For the storage of every hogshead of bark five cents per week, and a proportionate sum for tierces and barrels.

Section 165. The inspector aforesaid may also demand and receive from the seller such further allowance as shall be reasonable for the coöperage which may be necessary on account of any deficiency in the casks.

9. Staves, Heading, Boards, Plank, Timber, and Shingles.

Section 166. All staves and heading which shall be brought into the city or county of Philadelphia, shall, before they are delivered to the person to whom they may be consigned or sold, and before the same shall be received into any lumber yard or other place for sale or exportation, be inspected and culled by the inspector of staves and heading appointed for the said city and county.

Section 167. Every long hewed or shaved pipe stave, liable to inspection as aforesaid, shall be five feet and six inches long, and every short hewed or shaved pipe stave liable to inspection as aforesaid shall be four feet and six inches long, and every such pipe stave shall be three inches broad in the narrowest place, clear of sap, and five eighths of an inch thick in the thinnest place, and not more than one inch thick in any part, and be regularly split with the grain of the wood, and shall not have more than seven worm holes, and be otherwise fit for a good pipe stave.

Every hewed or shaved hogshead stave liable to inspection as aforesaid shall be three feet and six inches long, three inches broad clear of sap, in the narrowest place, five-eighths of an inch thick in the thinnest part, not more than one inch thick in any part, regularly split with the grain of the wood, and shall not have more than seven worm holes, and otherwise fit for a good hogshead stave.

Every hewed or shaved barrel stave liable to inspection as aforesaid shall be two feet and six inches long, three inches broad in the narrowest place, half an inch thick in the thinnest part, regularly split with the grain of the wood, and shall not have more than five worm holes, and be otherwise fit for a good tight barrel stave.

Every hewed or shaved piece of hogshhead heading shall be two feet and six inches long, the middle pieces six inches broad in the narrowest place, clear of sap, and the cantle pieces of the same breadth in the widest part, clear of sap, both sorts three quarters of an inch thick, and shall not have more than seven worm holes in each piece, and be otherwise fit for the head of a tight hogshhead; the officer taking care that there be always a due proportion of middle pieces in such heading.

Section 168. Provided always that any person may sell rough staves or heading, and if they shall be of the length, breadth, and qualities before mentioned, they shall not be adjudged unfit for exportation, although they should be thicker than is hereinbefore allowed.

Section 169. Staves commonly called and known by the name of Leogan staves, and used for sugar hogshheads shall be deemed merchantable and fit for exportation, if made four feet six inches long, three and a half inches broad, including the sap if it be sound, and one half of an inch thick.

Section 170. If any person shall mix any cullings or merchantable staves or heading, or any staves or heading which shall not have been inspected with such, as shall have been culled and adjudged merchantable by the inspector thereof, as aforesaid, with intent to deceive or defraud, or shall allow the same to be done, such persons shall forfeit the whole quantity so mixed, one half to the use of the commonwealth, the other half to the use of the informer.

Section 171. Provided, That nothing in this act shall debar any cooper from purchasing a sufficient quantity of staves or heading, uninspected and unculled, to use in the way of his business within this commonwealth.

Section 172. If any person shall deliver or receive any staves or heading, contrary to the provisions of this act, he shall forfeit the staves or heading so delivered or received, one half to the use of the informer, and the other half to the use of the commonwealth.

Section 173. All boards, plank, timber, and shingles, shall if designed for exportation from the port of Philadelphia, be liable to be inspected at the city and county of Philadelphia by the inspector appointed for that purpose.

Section 174. Shingles designed for exportation as aforesaid, shall be made of sound wood, free from splits, and in other respects good and merchantable, and they shall correspond to one of the descriptions or kinds, following, to wit:

1. Shingles of the first kind, shall be two feet nine inches at least in length, five and a half inches at least in width, and of such thickness that when dressed, they may remain at least half an inch thick.

at every place between the butt end, and a distance of ten inches from the same.

2. Shingles of the second kind, shall be twenty-four inches at least and not more than twenty-six inches in length, five inches at least in width, and of such thickness that when dressed, they may remain at least half an inch thick at every part between the butt end, and a distance of seven inches therefrom.

3. Shingles of the third kind, shall be at least fifteen inches, and not more than twenty inches in length, nor less than three inches wide, and of thickness sufficient to remain when dressed three eighths of an inch thick at every place between the butt end, and a distance of six inches from the same.

Section 175. Shingles of the third kind, when sold in bundles shall be packed in a close and compact manner, and every bundle shall contain one hundred and twenty-five shingles and no more, and each row in every of the said bundles shall contain three shingles and no more.

Section 176. All boards, plank, and timber, designed for exportation, as aforesaid, shall be good, sound, and of such thickness and quality, as they are declared to be by the seller, and all such boards and plank shall also be square edged.

Section 177. If any person shall ship off from the port aforesaid any staves, heading, shingles, boards, plank or timber, which have not been inspected, measured, culled, or counted by the officer, appointed for that purpose, and approved by him as merchantable, such person shall forfeit and pay the sum of three dollars for every thousand of staves, heading, or shingles, and one dollar fifty cents for every thousand feet of boards, plank, or timber, so shipped or exported, and so in proportion for any greater or less quantity.

Section 178. The inspector of staves and heading may demand and receive for inspecting and culling pipe and hogshead staves and heading, inclusive of head measuring seventy-five cents per thousand. For inspecting barrel staves and heading inclusive of head-measuring fifty cents per thousand. In addition to which, the inspector may demand and receive of the exporter, for every customary thousand of staves, twenty-five cents.

Section 179. The inspector of shingles may demand and receive for inspecting and culling shingles of all kinds, twenty cents per thousand.

Section 180. The fees for the inspection of shingles, shall be paid by the purchaser or exporter, if the shingles shall be adjudged merchantable; otherwise, by the seller. And when shingles are offered for inspection in bundles, which require to be opened by the office, the expense of opening and putting up the same again, shall be paid by the seller.

Section 181. The inspector and measurer of lumber may demand and receive, for inspecting and examining boards and plank, according to the superficial measure, thirty-three and one-third cents for every thousand feet.

For inspecting other timber reduced to cubical feet, ten cents for every ton, consisting of forty cubical feet—one half to be paid by the buyer, and the other half by the seller.

10. *Flaxseed.*

Section 182. All flaxseed designed for exportation from the port of Philadelphia, shall be well cleansed and prepared, and put up in casks made of sound oak staves.

Section 183. Every cask which shall be used for the purpose aforesaid, shall be made as nearly straight as possible. It shall be tightened and secured by at least twelve good and substantial hoops, besides a lining hoop on the outside, around each chine, and each cline hoop, and each of the quarter hoops shall be fastened with at least three iron nails.

Section 184. The casks aforesaid may be made of two sizes to wit: Casks of the larger size shall be two feet nine inches in length and twenty four inches in diameter at the head, and in every such cask shall be packed seven bushels of flaxseed: The smaller casks shall be made of such size, that they may contain three bushels and a half of flaxseed.

Section 185. Every cask containing flaxseed, and designed for exportation, as aforesaid, shall be branded with the initial letter of the christian name, and with the surname at full length of the person who cleansed and prepared the flaxseed therein contained.

Section 186. Every person, who shall export, or shall lade with intent to export any cask containing flaxseed, which shall not be made of the materials, and in the form and of the dimensions hereinbefore required or which shall not contain the quantity and quality of flaxseed hereinbefore directed shall forfeit and pay two dollars and sixty seven cents for every cask so exported or laden, one half for the use of the informer, and the other half for the use of the Commonwealth.

Section 187. Every person who shall lade for exportation as aforesaid, any cask containing flaxseed, which shall not have been first duly branded as aforesaid, shall forfeit and pay the further sum of sixty seven cents, for every such cask, one half for the use of the informer, and the other half for the use of the Commonwealth.

11. *General Provisions.*

Section 188. The several inspectors hereinbefore mentioned, shall be appointed by the Governor from time to time as occasion may require. And every inspector so appointed, shall reside at the place at which he shall be required to exercise the duties of his office.

Section 189. Provided, that the Governor shall appoint two persons to be inspectors of domestic distilled spirits for the city and county of Philadelphia, who shall severally have all and singular the powers and authorities, and be subject to all and singular the duties and liabilities of such office.

Section 190. The several inspectors hereinbefore mentioned are empowered, and if necessary to the convenient despatch of their res-

pective duties are hereby required to appoint a sufficient number of deputies, for whom they shall respectively be accountable. Which deputies are hereby empowered to perform the duties of inspection as fully as their respective principals might or could do, and they are also hereby made liable to the like penalties.

Section 191. Provided, that the inspectors of domestic distilled spirits for the city and county of Philadelphia, shall jointly and severally appoint one or more deputies as aforesaid.

Section 192. Every person appointed as aforesaid to the office of inspector, and also every deputy of such person, shall, before he enter upon the duties of his office, take and subscribe an oath or affirmation before some person having authority to administer oaths, to support the constitution of the United States and the constitution of this Commonwealth, and to perform the duties of his said office with fidelity; which oath or affirmation, he shall cause to be filed among the records of the court of Quarter Sessions of the respective county.

Section 193. Every person who shall be appointed to the office of inspector as aforesaid, shall also, before entering on the duties of his office, execute a bond to the Commonwealth, in such sum and with such sureties as shall be approved by the court of Quarter Sessions of the respective county, or by two of the judges thereof, with condition for the faithful performance of the duties imposed on him by law; which bond shall be for the use of all persons who may be aggrieved by the act or neglect of such inspector.

Section 194. Every person appointed an inspector as aforesaid shall cause the bond hereinbefore prescribed, being duly acknowledged by him and his sureties, to be recorded by the recorder of deeds of the respective county, and as soon afterwards as convenient, to be transmitted to the Secretary of the Commonwealth.

Section 195. Copies of the record of the official bond of any inspector, acknowledged and recorded as aforesaid, and duly certified by the recorder of deeds for the time being, shall be good evidence, in any action brought against such inspector or his sureties, on such bond, according to its form and effect, in the same manner as the original would be, if procured and offered in evidence.

Section 196. Every inspector shall, at his own costs and charge, procure such brands, instruments and apparatus as may be necessary or may be by law required for the due execution of the duties of his office.

Section 197. Every inspector, and every deputy inspector, shall, upon the requisition of the owner or possessor of any article liable by law to his inspection, proceed, unless actually employed at the time of such requisition in performing other duties of his office, and without any unnecessary delay, to the inspection thereof, under penalty of twenty dollars and fifty cents for every three hours delay, without sufficient excuse, for the use of the party aggrieved, in addition to the damages which such owner or possessor may actually sustain by such delay.

Section 198. If the owner or possessor of any article liable to inspection as aforesaid, shall be dissatisfied with the judgment of the

inspector, concerning the quality, quantity or package of such article, in any other respect, he may have such judgment reviewed, by triers, to be appointed in the following manner :

Section 199. On the application of such owner or possessor, to any justice of the peace or alderman of the city or county where such inspection may have been had, such magistrate shall issue a warrant to three judicious disinterested persons of integrity, well skilled in the various qualities of the kind of article inspected, and in the manner of preparing, packing or putting up the same for sale or exportation ; directing them to review and examine the said article, and forthwith to make report to him of the quality, quantity, package, or condition of the article in other respects, as the case may require.

Section 200. The triers aforesaid shall be appointed by such magistrate as follows, to wit :—One of them on nomination of such owner or possessor, if he shall see fit to nominate. One other of them, on the nomination of the inspector, if he shall see fit to nominate, and the third shall be appointed by such magistrate on his own suggestion. The triers appointed as aforesaid shall be severally sworn or affirmed, carefully to examine and inspect the article or thing in question, and make a true report thereof, according to the best of their judgment.

Section 201. If the inspector shall neglect or refuse to nominate a trier as aforesaid, the magistrate shall appoint two of such triers.

If the owner or possessor aforesaid shall neglect or refuse to nominate a trier as aforesaid, the magistrate shall dismiss the complaint and adjudge the owner or possessor aforesaid, to pay said inspector his reasonable costs and charges for his trouble, and enforce the payment of the same by execution, as in the case of the recovery of debts.

Section 202. If the triers aforesaid, or any two of them, shall find and adjudge such article not to be merchantable, or not to be in the condition required by law for sale or exportation, as the case may be, they shall certify to the said magistrate in what respect it is deficient, and the cause thereof as nearly as may be known. And thereupon the said magistrate shall adjudge such owner or possessor to pay the said inspector his reasonable costs and charges for his trouble, and enforce payment of the same by execution, as in the case of the recovery of debts.

Section 203. If the triers aforesaid or any two of them shall find and adjudge such article to be merchantable, and in the condition required by law for sale or exportation as the case may be, the costs and charges of the review had as aforesaid, shall be paid by such inspector, and payment thereof shall be enforced in the manner aforesaid.

Section 204. The finding of the triers appointed as aforesaid, or any two of them shall be final and conclusive, and the magistrate shall thereupon direct the article or thing inspected to be marked as the case may require.

Section 205. But no appeal from the judgment of any such inspec-

for shall be allowed, unless the same be prosecuted within twenty days after the judgment of the inspector as aforesaid.

Section 206. Every inspector as aforesaid shall keep true account in a book or books, in a plain intelligible manner, and at large of the manufacturers productions and merchandize by him or by his deputies inspected, and of the quantity and qualities thereof, and of the names of the buyers and sellers thereof. And such accounts shall be open at all seasonable hours for examination if required by any person interested. And such books or a certified extract thereof shall be evidence in any controversy which may arise concerning such inspection.

Section 207. If any inspector as aforesaid shall refuse or neglect to record his proceedings as aforesaid, or shall refuse or neglect to give a certified extract of such part thereof as any person having interest therein shall require, such person having paid or tendered him a fee at the rate of ten cents for every hundred words that may be contained in such certificate, he shall for every such neglect or refusal forfeit and pay to the party aggrieved, a sum not exceeding twenty dollars.

Section 208. If any such inspector shall be convicted of making a fraudulent entry in his books aforesaid, he shall forfeit twenty dollars for every such offence.

Section 209. Every deputy inspector shall within twenty-four hours after the inspection of any article as aforesaid, return a true and exact account thereof to his principal, if resident within the same county, under penalty of twenty-five cents for every additional hour he shall neglect or refuse so to do.

Section 210. Every inspector, shall annually in the month of January, report to the Auditor General, under oath or affirmation, the quantity, quality and value of the articles inspected by him and his deputies, during the year immediately preceding the first day of the said month, as nearly as he can ascertain the same, distinguishing such as may have been approved, from such as may have been condemned, together with the amount of their expenditures, and also all fees which shall have been received by him, or by any person under him, for official acts and services performed in his office during the same period. He shall also communicate in such report, all other information relative to the articles inspected by him, as in his judgment be useful for the improvement of such articles in quality, or in the manner of preparing or putting up the same.

Section 211. No inspector or deputy inspector, shall, while in office, buy, sell, barter, or otherwise trade directly or indirectly any article or articles which he or they may have been appointed to inspect, and if any inspector shall violate this provision, the Governor shall upon satisfactory proof thereof, remove him from office, moreover, such inspector and such deputy inspector shall be liable to a penalty not exceeding one hundred and fifty dollars, for every

tence, and be disabled thereafter from acting in their respective office.

Section 212. Provided that nothing herein contained shall extend the inspection of flour in the borough of York, in the county of York; nor shall it debar any tradesman or mechanic from purchasing a sufficient quantity of materials in the way of his business, to be made up or manufactured or used by him, or any person from purchasing any article for the use of his family, so always that he shall not buy any which he hath before adjudged to be unmerchable.

Section 213. Any person who shall act as inspector or as deputy inspector, as aforesaid, not being legally authorized for the purpose, shall for every such offence forfeit a sum not exceeding twenty dollars.

Section 214. Every inspector and every deputy inspector shall have full power and authority by virtue of this act, without any other further warrant, to enter in the day time on board of any ship or other vessel, and any boat, ark, raft, or other water craft lying or being in any port or place of export of this Commonwealth, and into any mill, granary, yard, or place where any of the articles aforesaid, liable to his inspection, have been usually stored or deposited, to search for and make discovery of any such articles with respect to which he may have reasonable ground to believe that a forfeiture or any penalty or fine may have been incurred under the provisions of this act.

Section 215. It shall be the duty of such inspector and of his deputy to take into his possession all articles so discovered, which may by law be forfeited.

Section 216. It shall be the duty of every inspector, after seizure of any article which may have been forfeited, to sell the same at public auction, unless it be otherwise especially provided, giving at least five days notice of such seizure, and of the time of sale, in one or more newspapers published in or near the place of seizure as aforesaid, and thereupon he shall, unless otherwise especially provided, pay the proceeds, deducting all just expenses of sale and five per cent upon the balance for his trouble, to the treasurer of the respective county, for the use of the Commonwealth.

Section 217. Every person who shall obstruct or hinder any inspector in making search for any article liable to his inspection, or shall otherwise oppose or molest him in the due and lawful exercise of his powers or execution of his duties, shall be punishable as for a misdemeanor, by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court having jurisdiction of the offence.

Section 218. Every person who shall counterfeit, forge, or fraudulently impress or make the brand mark, or any number or other mark on any such inspector, or a mark or number in imitation thereof on any article subject to inspection, or upon any cask or other vessel containing such article, or shall counterfeit the stamp of any

inspector upon any plug, or shall fraudulently put any stamped plug into any cask, or shall fraudulently alter, deface, conceal, or erase any inspection mark duly made, shall, for every such offence be deemed guilty of a misdemeanor, and be punishable by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months at the discretion of the court having jurisdiction of the offence.

Section 219. If any person shall put into any cask or vessel, after the same has been inspected, and marked by the inspector or his deputy, any article of the same or of a different kind, and liable to inspection, without obliterating the brand or other marks thereon with intent to defraud; or if any person shall unpack any article liable to inspection which has been inspected and condemned, and repack or put up the same in any other form without submitting it to the inspector according to law, such person shall forfeit and pay for every such offence a sum not exceeding one hundred and twenty-five dollars, and the article so put up in such cask or vessel, or so repacked, shall be forfeited.

Section 220. Every person who shall counterfeit, forge, or fraudulently impress upon any article liable to inspection, or upon any cask or vessel containing such article, the brand mark, or other mark of any miller, manufacturer, packer, or other person, or shall fraudulently alter, deface, or erase any such mark, or shall fraudulently impress the brand mark or other mark of any person upon any such article or vessel, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine not exceeding three hundred dollars.

Section 221. If any person whose fees are fixed by this act, shall take by colour of his office or occupation, by custom or under any other pretence whatsoever, any other or greater fees for services performed in pursuance of this act than are hereby allowed, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of fifty dollars, one half for the use of the commonwealth, and the other half for the use of the person injured.

Section 222. All fines and pecuniary penalties, which may be incurred under any of the provisions of this act, shall, unless it be otherwise especially provided, be recoverable in the name of the commonwealth, at the instance of any person who shall sue therefor, in the same manner as debts of like amount are recoverable with costs of suit, and one moiety thereof shall be paid to the person suing for and recovering the same, and the residue shall be paid into the treasury of the county, for the use of the commonwealth.

A BILL

ENTITLED "AN ACT RELATING TO ELECTIONS."

REMARKS.

The bill entitled "An act relating to elections," contains all the provisions of the numerous acts of Assembly upon the subject of elections by the people, in their charter as citizens, and by the Legislature; and far, in either case, as those provisions are of a general and permanent nature. We have made no considerable alterations of substance; and in the few new provisions introduced, one object has been to carry out more effectually the supposed design of the Constitution of the Legislature. We have endeavoured so to arrange the matter of the bill, as to render it methodical, clear and precise; and it will be seen, on comparison with the existing laws, that a great saving has been effected in respect to the bulk and volume of the enactments. The subject has been arranged into the following principal heads or divisions:

1. Election of Inspectors of the General Election.
2. Provisions relating to the General election.
3. Of the election of Members of the House of Representatives of the United States.
4. Of the election of electors, of president and vice president of the United States.
5. Of elections to supply vacancies.
 1. In the Legislature of this commonwealth.
 2. In the House of Representatives of the United States.
6. Provisions in case any of the militia or volunteers shall be in actual service at the time of the general election.
7. Of the election of township officers.
8. General provisions relating to elections by the citizens.
9. Of the trial of contested elections.
 1. In the cases of Governor and members of the Legislature.
 2. In the case of county and township officers.
10. Of elections by the Legislature.
 1. Election of Senators of the United States.
 2. Election of the State Treasurer.

1. Of the Election of Inspectors of the General Election.

The sections comprised under this head are derived from the second and seventh sections of the act of 15th February, 1799, (3 Smith 30.) with an alteration respecting the day of holding the elections, which is taken from the act of 17th March, 1806, (4 Smith 302.)

In the fourth section, we have followed the seventh section of the

act of 1799, in directing that if any township shall be divided in forming an election district, the electors within each part shall choose an inspector, &c. We take the occasion to remark, that we have pursued the scheme of the existing law, in respect to election districts, although we are of opinion that it would be better to make one election district of every township, as is practised in most of the sister states. This would save a great deal of special legislation, with which a large proportion of the time of the General Assembly is annually occupied. A very long list might be made of the acts, passed for the establishment of election districts, the proper regulation of which seems to require a degree of local knowledge, which the Legislature cannot be supposed to possess. It may be objected, that townships are frequently of a size or extent, that would render them unsuitable for election districts. We think that it is a sufficient answer to this objection to remark, that the courts of quarter sessions possess the power to erect new townships and divide old ones, and will doubtless exercise it wherever the interests of the inhabitants of any township within their jurisdiction, may appear to require it. We have not, however, ventured to make this alteration in the law, preferring rather to suggest it for the consideration of the Legislature.

2. *Provisions relating to the General Elections.*

This head contains ten sections, derived from the act of 1799, the act 2d April, 1821, (7 Smith 473,) and the act of 4th April, 1803 (4 Smith 100,) with no material alteration.

3. *Elections of members of the House of Representatives of the United States.*

The sections contained under this head are derived from the act of 2d April, 1822, (7 Smith 666,) and of 9th June, 1832, (pamphlet laws 561,) with no material alterations.

4. *Election of Electors of President and Vice President of the United States.*

Under this head we have compiled the provisions of the acts of 2 February, 1802, (3 Smith 483,) and 7th March, 1829, (Pamph. L. 61.) We have introduced into this division the sections relating to the duty and authority of the electoral college; although not strictly in accordance with the title of the bill; because we considered upon the whole, best to keep together all the provisions relating to electors; and there seemed no other act to which they could with more propriety be attached.

5. *Elections to supply vacancies.*

1. In the Legislature of this Commonwealth.

The six sections under this head are derived from the act of 1799 and the act of 16th April, 1829, (Pamph. L. 199,) with some verbal alterations.

2. In the House of Representatives of the United States.

These sections are taken from the act of 1805, (4 Smith 208,) and the act of the 10th March, 1817, (6 Smith 416). The 38th section

contains a provision, requiring the Governor to declare by proclamation the name of the person elected, and to transmit the returns to the House of Representatives of the United States, which we have adopted from the existing acts relative to the general elections of members of Congress.

6. *Provisions in case any of the Militia or Volunteers shall be in actual service at the time of the General Elections.*

These provisions have been taken from the act of 29th March, 1813, (6 Smith 70,) with some verbal amendments.

7. *Election of Township Officers.*

The series of provisions contained under this head, has been collected and compiled from the acts of 11th April, 1799, (3 Smith 393,) 6th April, 1802, (3 Smith 512,) which relate to the election of assessors and supervisors of the roads, &c. They are applied to all township officers. The 54th section makes it the duty of the *judges* of the election to give notice to the persons elected. The act of 1st March, 1799, (3 Smith 356,) devolves this duty upon the acting constable, in the case of the election of *constables*. We think that there is no reason for the distinction between this and other cases, and have accordingly subjected the case of constables to the general rule. The 58th section contains some particular regulations respecting the change of the place of holding the township elections. The act of 13th April, 1807, (4 Smith 471,) which contains the only provision of the present law upon the subject, appears to us to be inconveniently loose and indistinct. It merely declares that "it shall be lawful for a majority of the qualified electors present at any meeting held at the usual place for electing assessors, inspectors or other township officers, to change the place of holding said election to any suitable or convenient house," &c. Now, whether it was the intention of the framers of this act to authorize this change to be made, at any meeting held at any season or time of the year, or to confine the authority to the time of the elections in March and October, is not clear, and may depend upon the location of a comma. On either supposition, however, it appears to us that sufficient provision is not made to prevent the adoption of measures prejudicial to the interests of the majority. No provision is made for notice to any one, nor is there any number fixed as a *quorum* to do business. In both of these points, we think that some precise regulations are essential. The provisions in the text are taken, with some alterations, from the 4th section of the act of 28th March, 1825, (Pamph. L. 130,) relating to the city of *Philadelphia*.

The number of electors requisite in the first instance for the call upon the constable, and in the next place, to constitute a *quorum* for the purpose of the meeting, is suggested with great deference, and subject, of course, to those alterations which the more intimate knowledge possessed by the Legislature of the population and local situation of the several townships, will enable them to make.

8. *General provisions relating to Elections by the Citizens.*

This head comprises a series of provisions, applicable to all elections by the citizens, and containing regulations for the management of the elections, the due exercise of the right of suffrage, the method of proceeding in making returns, &c., and penalties for violations of the law.

These sections are forty eight in number and are derived from the acts of 1799, 1803, 1821, 1802 and 1807. In section 62, we have suggested a provision, intended to remove doubts upon a question of frequent occurrence. The first section of the third article of the constitution declares that "in elections by the citizens every freeman of the age of twenty one years, having resided in the state two years next before the election, and within that time paid a state or county tax which shall have been assessed at least six months before the election, shall enjoy the right of an elector: *Provided, that the sons of persons, qualified as aforesaid, between the ages of twenty one and twenty two years, shall be entitled to vote, although they shall not have paid taxes.*" Difficulties have frequently arisen respecting the right of a son, under the circumstances mentioned in the proviso, to vote, if his father have died previously to the day of election, and the practice has been different at different times and places. We think that the true construction of the constitution is that which we have proposed in this section, and that there is no reason for any distinction between the cases of a parent living at the time of the election, and one who had died previously, if at the time of the death of such parent he was a qualified elector.

In the 90th section, we have altered the provision of the 25th section of the act of 1799, so as to authorize the change of the place of election, if any malignant or contagious disease shall prevail. In the original act, the case of a malignant or contagious fever, only is mentioned. Recent experience has shown that it may be proper to provide against diseases which do not fall under the popular or technical appellation of fevers. For similar reasons, we have made general the authority given in this section, instead of confining it as in the original act to the city of Philadelphia.

9. *Of the trial of contested elections.*

1. In the cases of Governor and members of the Legislature.

The provisions contained under this head are derived, with little alteration from the acts of 29th September 1791 (3 Smith 45) 6th March 1793, (3 Smith 91) and 23d March 1818 (7 Smith 113.)

2. In the cases of county and township officers.

The act of 19th March, 1824, (Pamphlet L. 53.) gives to the Court of Quarter Sessions, jurisdiction to hear and determine questions of contested elections of county officers. In this bill we have extended the jurisdiction to township officers, believing that it will be found convenient and proper. In the 133d section we have provided that in case the petition shall be certified to be without probable cause the

petitioners shall be liable for the costs of the hearing, a provision which we conceive to be necessary, to prevent the multiplication of frivolous and unfounded complaints.

10. *Elections by the Legislature.*

1. Election of Senators of the United States.

These provisions are derived from the act of 5th February 1802, (5 Smith 486.)

2. Election of State Treasurer.

The provisions under this head are derived from the 55th section of the act of 30th March 1811 (5 Smith 228) as amended by the act of 12th January 1824, (Pamphlet L. 3.) and with the addition of two new sections, providing for an adjourned meeting, if necessary, and for elections to supply vacancies, both of which were taken from the provisions in the similar case of United States Senator, and appeared as equally proper in the case of State Treasurer.

There are other instances of elections by the Legislature, as in the case of bank directors; but the acts being of a temporary character and containing no general provisions, they have not been compiled into this bill.

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AN ACT RELATING TO ELECTIONS.

It is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, as follows:

1. Of the election of Inspectors of the General Election.

SECTION 1. (Act of 1799, §2.) It shall be the duty of the constable or constables of each township, ward and district, at least one week before the day hereinafter appointed for the election of inspectors, to give public notice, by six or more printed or written advertisements, fixed at as many of the most public places therein, of the time and place of holding such election.

Section 2. (1799, §2.) In case of the neglect, refusal, death or absence from the county, of the constable or constables of any township, ward or district, the supervisors of the township or district, or the assessors of the ward, as the case may be, shall perform the duties hereinbefore required to be done by such constable or constables, under the like penalty: Provided, That the said supervisors or assessors, shall not be required to give more than four days notice of the time and place for holding such election.

Section 3. (1799, §2; 1806, §1.) On the Friday next preceding the first Tuesday in October, in every year, the qualified citizens of every township, ward and district, shall elect by ballot one inspector of the general election, at such place in said township, ward or district, as the citizens have generally met at for that purpose, or as may be fixed by law.

Section 4. (1799, §7.) Where any township has been or shall be divided, in forming an election district, the electors within each part

of such divided township, shall choose one inspector, who shall perform all the duties of such office, in relation to the part for which he shall be so chosen.

Section 5. (1799, §3.) The election for inspectors as aforesaid shall be opened between the hours of two and three o'clock in the afternoon, by the constable or constables: And the qualified citizens then present, shall choose two of their number to act as assistants such constable or constables. And the said constable or constables and assistants, shall be judges of the qualifications of the citizens who shall offer to vote, and shall conduct such election in a fair and impartial manner, and shall keep the same open until six o'clock in the same afternoon, when the poll shall be closed, the number of votes ascertained, and the person highest in vote publicly declared to be elected.

Section 6. (1799, §2.) It shall be the duty of the said constable or constables and the assistants, to make out duplicate certificates of such election, under their hands, one of which shall be delivered to the person chosen, or left at his usual place of abode, by such constable within two days thereafter, and the other shall be delivered by him to the prothonotary of the court of Common Pleas of the county, to be filed in his office.

2. Provisions relating to the General Elections.

Section 7. (1799, § 14; 1821, §4.) It shall be the duty of the sheriff of every county, to give notice of the general elections, by advertisements posted up in the most public places in every election district, or by publication in one or more newspapers of the county, at least twenty days before the election; and in every such advertisement he shall

1st—Enumerate the officers to be elected;

2d—Designate the places at which the election is to be held;

3d—He shall give notice, that every person who shall hold an office or appointment of profit or trust under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary department of the United States—and that every member of Congress, is, by law, incapable of holding or exercising at the same time, the office or appointment of judge, inspector or clerk of any election in this Commonwealth.

Section 8. (1799, §1.) The general elections shall be held and conducted by the inspectors elected as aforesaid, and by judges and clerks appointed as is hereinafter provided:

Section 9. (1799, §4.) The inspectors chosen as aforesaid, shall meet at nine o'clock in the forenoon of the day of election, at the respective places appointed for holding the same, in the election district to which they belong; and they, or a majority of them, shall choose and take to their assistance, not less than three nor more than five respectable citizens, qualified to vote, who shall be judges of the election for such district.

Section 10. (1799, §7.) If any inspector shall fail to attend, at the time hereinbefore appointed, the qualified electors of the township, ward or district for which such inspector shall have been elected, present at such time, at the place of election, may appoint one of their number to fill the vacancy; and if they neglect to make such appointment, it shall be the duty of the judges of such election to appoint some person, qualified as aforesaid, to perform the duties of such office.

Section 11. (1799, §4; 1803, §1.) The inspectors and judges aforesaid, shall severally take the oath or affirmation hereinafter directed, which shall be administered to them by any judge, alderman, or justice of the peace: But if no such magistrate be present, one of the judges of the election shall administer the oath or affirmation to the other judges and inspectors; and then, one of the judges so qualified shall administer the oath or affirmation to him.

Section 12. (1799, §5.) The following shall be the form of the oath or affirmation to be taken by each inspector, viz:

"I, (A. B.) do that I will duly attend the ensuing election, during the continuance thereof, as an inspector, and that I will not receive any ticket or vote from any person, other than such as I shall firmly believe to be, according to the provisions of the constitution and the laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote, as is directed by law; nor will I vexatiously delay or refuse to receive any vote from any person, whom I shall believe to be entitled to vote as aforesaid; and that I will in all things truly, impartially and faithfully perform my duty therein to the best of my judgment and abilities."

Section 13. (1799, §5.) The following shall be the oath or affirmation of each judge, viz:

"I, (A. B.) do that I will, as one of the judges, duly attend the ensuing election, during the continuance thereof, and faithfully assist the other judges and inspectors in carrying on the same; that I will not give my consent that any vote or ticket shall be received from any person, other than such as I shall firmly believe to be, according to the provisions of the constitution and the laws of this Commonwealth, entitled to vote at such election, without requiring such evidence of the right to vote, as is directed by law; and that I will use my best endeavors to prevent any fraud, deceit, or abuse in carrying on the same, by citizens qualified to vote or others; and that I will make a true and perfect return of the said election, and will in all things truly, impartially, and faithfully perform my duty respecting the same, to the best of my judgment and abilities."

Section 14. (1799, §4.) When the inspectors and judges shall be sworn or affirmed, as aforesaid, they shall appoint such and so many clerks of the election, being of the age of twenty-one years or more, as they shall deem necessary, who shall severally be sworn or affirmed by one of the judges of the election.

Section 15. (1799, §5.) The following shall be the form of the oath or affirmation to be taken by each clerk, viz:

"I, (A. B.) do that I will impartially and truly write down

the name of each elector, who shall vote at the ensuing election; which shall be given me in charge; and also the name of the township, ward, or district, wherein such elector resides, and carefully and truly write down the number of votes that shall be given for each candidate at the election, as often as his name shall be read to me by the judge thereof, and in all things truly and faithfully perform my duty respecting the same, to the best of my judgment and ability.

Section 16. (1799, §4.) It shall be the duty of the said clerk forthwith to make out two copies of the forms of each of the said oaths or affirmations, which shall be severally subscribed by each of the inspectors, judges, and clerks; and the said oaths or affirmations shall be certified under the hands and seals of the persons by whom they shall be administered.

3. *Election of members of the House of Representatives of the United States.*

Section 17. (1822, §2; 1832, §2.) The election of Representatives of the people of this Commonwealth in the Congress of the United States, shall take place on the second Tuesday in October, in the year one thousand eight hundred and thirty four, and on the second Tuesday in October in every second year thereafter, at the places appointed by law for holding the general elections.

Section 18. (1822, §2; 1832, §2.) It shall be the duty of the sheriffs of the several counties, to give notice of such election, in the manner herein before required, in the case of the general elections.

Section 19. The elections for Representatives aforesaid, shall be held and conducted by the inspectors, judges, and clerks of the general election.

Section 20. (1822, §5; 1832, §3.) It shall be the duty of the Governor, on the receipt of the returns of the election of members of the House of Representatives of the United States, as aforesaid, by the Secretary of the Commonwealth, to declare by proclamation the names of the persons so returned as elected in the respective districts; and he shall also as soon as conveniently may be, thereafter, transmit the returns so made to the House of Representatives of the United States.

4. *Election of electors of President and Vice President of the United States.*

Section 21. (1802, §1.) The citizens of this Commonwealth qualified as is herein provided, shall at their several places of election on the fifth Friday preceding the first Wednesday in December in the year 1836, and on the same Friday in every fourth year thereafter, elect a sufficient number of persons to be electors of a President and Vice President of the United States.

Section 22. (1802, §1.) It shall be the duty of the sheriff of each respective county, to give the like notice of such election, as is herein before required, of the election of members of the General Assembly.

Section 23. (1802, §2.) At every such election, every qualified citizen shall be entitled to vote, by delivering to the proper officer a written or printed ticket, containing the names of a number of persons, equal to the whole number of Senators and Representatives, to which this state may be entitled in the Congress of the United States.

Section 24. (1802, §2.) It shall be the duty of the Secretary of the Commonwealth, on receiving the returns of the election of electors as hereinafter directed, to lay them before the Governor, who shall enumerate and ascertain the number of votes given for each person so voted for, and shall thereupon declare by proclamation, the names of the persons duly elected; and shall cause a notification of his election to be delivered to each person so chosen, on or before the last Wednesday in the month of November, next after such election.

Section 25. (1802, §3.) The electors chosen as aforesaid shall assemble at the seat of government of this Commonwealth, at twelve o'clock of the day which is, or may be, directed by the Congress of the United States; and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

Section 26. (1829, §2, §1.) If any such elector shall die, or from any cause fail to attend at the seat of government, at the time appointed by law, the electors present shall proceed to choose *viva voce*, a person to fill the vacancy occasioned thereby; and immediately after such choice, the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, whose duty it shall be forthwith to cause notice in writing to be given to such person of his election: and the person so elected, (and not the person in whose place he shall have been chosen,) shall be an elector, and shall with the other electors perform the duties enjoined on them as aforesaid.

Section 27. (1802, §6, 1829, §3.) Every elector aforesaid shall receive from the State Treasury the sum of three dollars, for every day spent in travelling to, remaining at, and returning from, the place of meeting aforesaid: And the contingent expenses of the electoral college, not exceeding fifty dollars in amount, shall likewise be paid by the state treasurer, in both cases upon warrants drawn by the presiding officer of the college.

Section 28. (1802 §5.) In the event of an election of president and vice-president taking place at any other period than that mentioned in this act, the election of electors, shall in all respects be held, conducted and concluded as is hereinbefore provided.

5. Election to supply vacancies.

1. In the Legislature of this Commonwealth.

Section 29. (1799, §15.) Every writ which shall be issued by the Speaker of either House of the Legislature, in pursuance of the constitution of this Commonwealth, to supply a vacancy in such House, shall be directed to the sheriff or sheriffs of the proper county or counties, as the case may be, or to such other person or persons, as

may be designated by him, for the purpose, and shall particularly express the day on which the election shall be held, to supply such vacancy.

Section 30. (1799 §15.) If such writ shall be issued by the Speaker of the Senate during the recess of the Legislature, he shall except as is hereinafter provided, direct the election to be held at the time appointed for holding the general elections.

Section 31. (1799 §15.) If such vacancy shall happen during the session of the Legislature, or if the members shall be required by their own adjournment or by the Governor, to meet at some time previous to the next general election, the Speaker issuing the writ, shall appoint a time, as early as may be convenient, for holding such election.

Section 32. (1829 §1.) Provided, that in the case of a vacancy occurring as aforesaid, during the session of the Legislature, if the return of such election cannot be made before the time appointed for the adjournment of the Legislature, such writ shall not be issued, or if issued shall in the case of a vacancy in the House of Representatives be countermanded: And in the case of a vacancy in the Senate shall by another writ issued as aforesaid, be extended until the next general election.

Section 33. (1799, §15.) Provided also, That if after a writ shall have been issued, directing the election to fill such vacancy to take place on the day of the general election, or countermanding a previous writ as aforesaid, the Governor shall issue his proclamation for convening the Legislature, the sheriff or other person to whom such writ shall be directed, shall give notice, as is hereinafter provided, of an election to be held within thirty days after the date of such proclamation.

Section 34. (1799, §15.) Every writ for holding a special election as aforesaid, shall be delivered to the sheriff or other person to whom the same shall be directed, at least fifteen days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least ten days before such election, and shall send a copy thereof to at least one of the judges of each election district therein.

2. In the House of Representatives of the United States.

Section 35. (1805, §1.) Every writ which shall be issued by the Governor of this Commonwealth, in pursuance of the constitution of the United States, to supply a vacancy in the representation of the people of this Commonwealth, in the House of Representatives of the United States, shall be directed to the sheriff of the county or counties composing the congressional district, and shall particularly express the day on which the election shall be held to supply such vacancy.

Section 36. (1817, §1.) If such vacancy shall happen during the session of Congress, or if Congress shall be required to meet at some time previous to the next general election, the Governor shall appoint a time as early as may be convenient, for holding such election; otherwise

wise, he shall direct the election to be held at the time appointed for holding the general elections.

Section 37. (1805, §1.) Every writ for holding a special election as aforesaid, shall be delivered to the sheriff, to whom the same may be directed, at least twenty days before the day appointed for such election, who shall forthwith give due and public notice thereof throughout the county, at least fifteen days before such election; and shall send a copy thereof to at least one of the judges of each election district therein.

Section 38. (See 1822, §5, 1832, §3.) When the returns of any special election for a member of the House of Representatives of the United States shall be received by the secretary of the commonwealth, the Governor shall declare by proclamation the name of the person elected, and he shall also, as soon as conveniently may be thereafter, transmit the returns so made, to the House of Representatives of the United States.

Provisions in case any of the Militia or Volunteers shall be in actual service at the time of the General Election.

Section 39. (1813, §1.) Whenever any of the citizens of this commonwealth, qualified as herein before provided, shall be in any actual military service, in any detachment of the militia or corps of volunteers, under a requisition from the president of the United States, or by the authority of this commonwealth, on the day of the general election as aforesaid, such citizens may exercise the right of suffrage, at such place as may be appointed by the commanding officer of the troop or company to which they shall respectively belong, as fully as if they were present at the usual place of election.

Section 40. (1813, §1.) Provided, That no member of any such troop or company shall be permitted to vote at the place so appointed, at the time of such election, he shall be within two miles of the place at which he would be entitled to vote, if not in service as aforesaid.

Section 41. (1813, §2, §6.) The proceedings for conducting such elections, shall be as far as practicable, in all respects the same as are herein directed in the case of general elections, except that the captain or commanding officer of each company or troop shall act as judge, and that the first lieutenant or officer second in command shall act as inspector at such election, so far as shall relate to such company or troop, and in case of the neglect or refusal of such officers or either of them to serve in such capacity, the officer or officers next in command in such company or troop, shall act as judge or inspector, the case may be.

Section 42. (1813, §7, §8.) The officer authorized to perform the duties of judge shall administer the proper oath or affirmation to the officer who shall act as inspector, and as soon as such officer shall have been sworn or affirmed, he shall administer the proper oath or affirmation to the officer, whose duty it shall be to act as judge, and the officer acting as judge, shall appoint two persons to act as clerks, and shall administer to them the proper oaths or affirmations.

Section 43. (1813, §6.) The several officers, authorised to conduct such election, shall take the like oaths or affirmations, shall have the like powers, and they as well as all other persons who may attend vote, or offer to vote at such election, shall be subject to the like penalties and restrictions as are declared or provided in this act, in the case of elections, by the citizens at their usual places of election.

Section 44. (1813 §3, §5.) Within three days after such election the judges thereof shall respectively transmit, through the nearest post office, a return thereof, together with the tickets, tally lists, and list of voters, to the prothonotary of the county in which such election would have voted, if not in military service : And the said judges shall transmit another return of such election to the commanding officer of the regiment or battalion as the case may be, who shall make a general return, under his hand and seal, of the votes of all the companies or troops under his command, and shall transmit the same, through the nearest post office to the Secretary of the Commonwealth.

Section 45. (1813 §4.) It shall be the duty of the prothonotary of the county, to whom such returns shall be made, to deliver to the return judges of the same county a copy certified under his hand and seal, of the return of votes so transmitted to him, by the judges of the election in the companies or troops aforesaid.

Section 46. (1813 §4.) The return judges of the proper county or counties, in which the volunteers or militiamen aforesaid may have resided, at the time of being called into actual service as aforesaid, shall meet on the second Tuesday in November, next after the election. And when two or more counties are connected in the election, the meeting of the judges from each county shall be postponed in such case, until the Friday following the said second Tuesday in November.

Section 47. (1813, §4.) The return judges so met, shall include their enumeration, the votes so returned, and thereupon shall proceed in all respects, in the like manner as is provided in this act, in cases where all the votes shall have been given at the usual places of election.

6. *Of the Election of Township Officers.*

Section 48. (1799, §4.) The elections for assessors in the several townships, wards, and districts in this commonwealth, shall be held and conducted under the same regulations as are hereinbefore provided, in case of inspectors of the general elections.

Section 49. (1799, §4.) It shall be the duty of the constables holding such elections, within ten days thereafter to give notice thereof in writing to the persons elected to the said office, and also to deliver returns thereof, signed by the judges, to the commissioners of the proper county, or one of them, who shall file the same in their office.

Section 50. The elections for all other township officers, authorised by law, excepting assessors as aforesaid, shall take place as follows.

Section 51. (1802, §2.) It shall be the duty of the supervisor of every township, at least one week before the day appointed by

or the election of the said township officers, to give public notice, by six or more printed or written advertisements, affixed at as many of the most public places therein, of the time and place of holding such election.

Section 52. (1802, §2.) The election for the said township officers shall be opened between the hours of one and three o'clock in the afternoon; and the qualified citizens then present shall choose two of their number to act as judges of the said election.

Section 53. (1802, §2.) The judges so chosen, shall appoint a clerk to assist them in recording and casting up the votes, and shall keep the election open until six o'clock in the same afternoon, when the poll shall be closed, the number of votes ascertained, and the result publicly declared.

Section 54. (1802, §2.) It shall be the duty of the said judges, to make out a certificate of the election of each township officer aforesaid, which shall be signed by them, and delivered to the said officer, to be kept at his usual place of abode, at least six days thereafter.

Section 55. (See 1802, §2.) It shall also be the duty of the said judges, to make out one other certificate, setting forth the names of all the persons elected to the several township offices aforesaid; which shall be signed by them and delivered, within ten days thereafter, to the clerk of the court of Quarter Sessions of the county, to be filed in his office.

Section 56. (1802, §2.) If the supervisor of any township, shall neglect or refuse to give notice of township elections as aforesaid, he shall respectively forfeit ten dollars.

Section 57. (1802, §2.) If the judges of any township election as aforesaid, shall neglect or refuse to deliver the certificates of election as aforesaid, they shall respectively forfeit ten dollars.

Section 58. (1807, §1; see 1825, §4.) It shall be lawful for the electors of any township, ward or district, to change the place of holding the elections for inspectors and other officers of such township, ward or district, in the manner following, to wit:

1. On the requisition of at least thirty of the electors of the township, ward or district, the constable shall give notice, by at least ten printed handbills set up in the most public places within such township, ward or district, at least fifteen days before the time appointed for the purpose, that a meeting of the electors of the township, ward or district, as the case may be, will be held at the usual place of holding elections therein, at a certain day and hour to be appointed in such notice, for the purpose of determining upon the expediency of changing the place of holding such elections.

2. If at least fifty electors be present at the time appointed, the constable shall organize the meeting; and if at such meeting a majority of the electors present shall determine that it is expedient to change the place of holding such election, two certificates thereof shall be made out and signed by the officers of the meeting, and attested by the constable, one of which shall be delivered by the constable to

the town clerk, if there be one, and the other to the prothonotary of the court of Common Pleas of the county, to be filed in his office.

8. *General provisions relating to elections by the citizens.*

Section 59. (1803, §5; 1799, §7; 1799, §21.) It shall be the duty of the commissioners of every county to cause to be delivered to the inspectors of every election district in the county, on or before nine o'clock in the morning of the day of election, an alphabetical list of the names and surnames of all the male taxable inhabitants of each ward, township, or portion of a township, if the same shall be divided, in such election districts, within the same, who shall have been assessed for a state or county tax at least six months before that day and also a sufficient number of boxes for containing the tickets, and of blank forms and returns, made out in a proper manner, and headed as the nature of the election may require, under the penalty of fifty dollars on each commissioner for every such neglect to furnish such boxes, list, or forms and returns.

Section 60. (1799, §10.) Every general and special election shall be opened between the hours of ten and twelve in the forenoon, and shall continue without interruption or adjournment, until the elector who shall come to such election, shall have full opportunity to give in their respective votes.

Section 61. (1799, §8.) The inspectors shall be placed so as most conveniently to receive the tickets of the electors, and over or near the door, window or other place, at which the tickets are received. The name of the township, ward or district, whose inspector or inspectors shall be there placed, shall be written or printed in large and legible characters, so that the electors may readily find the inspector or inspectors to whom their tickets are to be delivered: And if there be more than one inspector elected in any election district, the judges of the election, or a majority of them, shall determine how many of them shall sit at the place for receiving tickets.

Section 62. (1799 §1.) No person shall be admitted to vote at an election as aforesaid, other than a citizen of this Commonwealth, of the age of twenty one years, or more, who shall have resided there at least two years next before the election, and within that time paid state or county tax, which shall have been assessed at least six months before such election: Provided, that the sons of persons so qualified between the ages of twenty one and twenty two years, shall be entitled to vote, although they shall not have paid taxes, and although the parent shall be dead at the time of the election, if at the time of the death of the parent, he was a qualified voter.

Section 63. (1799, §1.) Every person claiming a right to vote at any election as aforesaid, shall make proof:

1st. That he is a natural born citizen of this Commonwealth; or

2d. That he was settled therein on the twenty-eighth of September one thousand seven hundred and seventy-six, and has since continued to reside therein; or

3d. That having been a foreigner, who since that time came to settle therein, he took an oath or affirmation of allegiance to the same, on or before the twenty-sixth of March, A. D. one thousand seven hundred and ninety, agreeably to the then existing constitution and laws; and as evidence of any of the said facts, the oath or affirmation of such person shall be sufficient; or

4th. That he is a natural born citizen of some other of the United States; or had been lawfully admitted or recognized as a citizen thereof, on or before the twenty-sixth day of March one thousand seven hundred and ninety; and as evidence thereof, he shall if required by any judge or inspector of the election, produce a certificate in due form from some judge, prothonotary, or clerk of a court, mayor, alderman, or justice of the peace, or shall be examined on his oath or affirmation; or

5th. That having been an alien he has been naturalized, conformably to the laws of the United States; and, as evidence thereof, shall produce a certificate thereof, under the seal of the court where such naturalization took place.

Section 64. (1799, §9.) No person shall be admitted to vote whose name is not contained in the list of taxable inhabitants furnished by the commissioners as aforesaid, unless 1st He produce a receipt for the payment of a State or county tax, assessed agreeably to the constitution, or give other satisfactory evidence either on his own oath or affirmation, or otherwise, that he hath paid such a tax; or 2d If he claim a right to vote, by being the son of an elector, and between the ages of twenty-one and twenty-two years, he shall depose on oath or affirmation, that he does verily believe from the accounts given him, that he is of the age aforesaid, or give such other evidence as may reasonably be required, or as shall be satisfactory to the said elector, and to the judges of such election; whereupon, the name of the person so admitted to vote shall be inserted in the alphabetical list by the inspector, and a note made opposite thereto by writing the word "tax" if he shall be admitted to vote by reason of having paid a tax, or the word "age" if he shall be admitted to vote on account of age; and in either case, the reason of such vote shall be called out by the clerks, who shall make the like notes in the list of voters kept on file.

Section 65. (1821, §2.) Any judge of an election, as aforesaid, shall have power to administer such oath or affirmation to any person who may offer to vote at such election, as may be authorized by law, and to ascertain if such person is legally entitled to vote at such election.

Section 66. (1799, §1.) Every person, qualified as aforesaid, and who shall make due proof, if required, of his residence and payment of taxes as aforesaid, shall be admitted to vote in the township, ward, or district in which he shall reside.

Section 67. (1799, §9.) No inspector shall receive any ticket from any person other than an elector, residing within the township, ward, or district, for which such inspector shall have been elected or appointed.

Section 68. (1799, §10.) Every voter may deliver written or printed tickets as he shall see cause, but each ticket shall be on a separate piece of paper, folded so as to conceal the name of the person voted for, and containing on the outside fold the designation of the office, and that only : thus there shall be contained in one ticket the name of a person for Governor, in one other ticket the name or names of a Senator or Senators, in one other ticket the name or names of a member or members of the House of Representatives, and thus with respect to other officers, as the case may be ; and if any elector shall with a fraudulent intent, offer more than one ticket for one and the same office, he shall for every such offence forfeit the sum of twenty dollars, and shall moreover forfeit his right to vote at such election.

Section 69. (1799, §9.) It shall be the duty of each inspector, who shall receive the ticket of an elector, to call out aloud the name and place of abode of such elector, which shall be entered by at least two clerks in separate lists, and the name shall be repeated by each of them ; and the inspector shall insert the letter V in the margin of the alphabetical list, opposite to the name of such elector, and if such elector shall have been sworn or affirmed, or produced a certificate or other evidence of having been naturalized, the inspector shall also note the same in the margin of such list.

Section 70. (1799, §10.) All tickets folded and endorsed as aforesaid, and none other, shall by the respective inspector be deposited in separate boxes, according to the office designated on the back of the ticket, and shall there remain until the poll be closed.

Section 71. (1799, §11.) When the poll shall be closed, the box wherein the tickets shall have been deposited, shall be opened, one by one, and the judges in the presence of the inspectors, shall deliberately take out such tickets, and read aloud the name or names written or printed thereon respectively, whilst two or more of the clerks shall carefully enter and keep account of the same, on a paper prepared for the purpose, so that the number of votes for each candidate tallied thereon, may be readily cast up and known.

Section 72. (1799, §11 ; 1821, §1.) If, upon opening any ticket as aforesaid, there be found any more names written or printed on any of them than there ought to be, or if any two or more such papers be deceitfully folded together, such tickets shall be rejected, and not counted among the votes ; but no ticket shall be rejected by reason of its containing fewer names than the proper number, except those for sheriffs and coroners.

Section 73. (1799, §22, §21.) As soon as the election shall be finished, the tickets, list of taxables, one of the lists of voters, the tax papers, and one of the certificates of the oath or affirmation, taken and subscribed by the inspectors, judges and clerks shall all be carefully collected and deposited in one or more of the ballot boxes, and such box or boxes being closely bound round with tape, shall be secured by two or more of the judges of the election, and by one or more of the inspectors, and together with the remaining ballot boxes, shall be delivered to the nearest justice of the peace, who shall keep safe

boxes, containing the tickets and other documents, to answer the call of any persons or tribunal authorized to try the merits of such election, and the other list of voters, tally papers, and certificates, shall be inclosed by the said judges in a scaled cover, directed to the prothonotary of the court of common pleas of the county, and shall by some one of them be delivered into his office, where the same shall be filed.

Section 74. (1799 §11, 1802 §11.) As soon as all the votes shall be read off and counted, the judges of each election district shall make out a certificate, under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for, and distinguishing the office or station in respect to which the votes were given.

Section 75. (1799 §11, 1802 §11.) One of the said judges shall then take charge of the certificate aforesaid, and on the third day after the day of election, shall produce the same at a meeting of one judge or each district, within the same county, at the court house of the said county, and for the city and county of Philadelphia, at the state house in the said city: Provided, that if the third day after the election shall be Sunday, the meeting shall be held on the Monday next following.

Section 76. (1799 §12, &c.) The judges of the several election districts in each county, being so met, shall add together the numbers of votes which shall appear to have been given for any person or persons, in respect to each office or station: And the person or persons found to be highest in vote for the respective office or station, shall be declared to be elected as Senator or Representative, or as the case may be.

Section 77. (1799 §12, 1807 §1.) The judges aforesaid shall thereupon forthwith make out duplicate returns.

1. Of the election of every person and persons who shall be so elected for any office or station which the electors of the county are entitled to choose of themselves, unconnected with any other county district.

2. In case of an election for Governor, the like returns of all the votes given in the county, for every person voted for as such.

3. (1802 §11.) In the case of an election for electors of President and Vice President of the United States, triplicate returns of all the votes given in the county, for every person voted for as such elector.

Section 78. (1799, §12; 1803 §6; 1802 §11.) When the returns shall be completed, the judges aforesaid shall lodge one of each of the returns in the office of the Prothonotary of the court of common pleas of the county; and in the case of an election for electors of President and Vice President of the United States, one other of the returns in the same office: and the other duplicates shall be transmitted as follows, viz:

1. In the case of a *Governor*, the remaining duplicate shall be enclosed in an envelope, directed to the Speaker of the Senate, and enclosed according to the fact; which having been sealed, shall be placed in another envelope, sealed and directed to the Secretary of the Commonwealth, and the same shall forthwith be placed in one of the nearest Post Offices.

2. In the cases of *electors* of President and Vice President of the United States, of members of the *Senate* of this Commonwealth, and of members of the *House of Representatives* of the United States and of this Commonwealth; the remaining duplicate shall be enclosed in an envelope, sealed and directed to the Secretary of the Commonwealth, and in like manner placed in one of the nearest Post Offices.

3. In the cases of *County Commissioners* and *County Auditor*, the remaining duplicates shall be lodged in the office of the clerk of the court of Quarter Sessions of the county.

Section 79. (1799, §13.) When two or more counties shall compose a district for the choice of a member or members of the Senate of this Commonwealth, or of the House of Representatives of the United States, or of this Commonwealth, the judges of the election in each county, having met as aforesaid, shall make out a fair statement, under their hands, of all the votes which shall have been given at such election within their county, for every person voted for such member or members: and one of the said judges shall take charge of such certificate, and shall produce the same at a meeting of one judge from each county, at such place in such district, as may be appointed by law for the purpose; which meeting shall be held on the seventh day after the election.

Section 80. (1799, §13; 1805, §6.) The judges from the several counties, having met as aforesaid, shall cast up the several county returns, and make duplicate returns of the person or persons chosen for such district; and one of each of the said returns, if there shall be more than of one kind, shall be deposited in the office of the Prothonotary of the court of Common Pleas of the county in which they shall meet; and the other shall be deposited in one of the nearest Post Offices, sealed, and directed to the Secretary of the Commonwealth.

Section 81. (1799, §6; 1803, §6.) It shall also be the duty of the return judges in every case, to transmit to each of the persons elected to serve in Congress, or in the Senate, or in the House of Representatives of this Commonwealth, a certificate of the return of his election, within ten days after the day of making up such returns.

Section 82. (1799, §13.) In the city of Philadelphia, and in every county in which the election shall be holden at one place only, the returns thereof shall be made without delay, in like manner as is herein directed, as nearly as the circumstances shall permit.

Section 83. (1799, §13.) It shall be the duty of the Prothonotary of every county, to whom the return of any election shall be delivered by the judges as aforesaid, to make out a copy of such return, attested under his hand and seal, and forthwith to transmit such copy under a sealed cover to the Secretary of the Commonwealth, by sending the same in the nearest Post Office.

Section 84. (1799, §13.) It shall also be the duty of the Prothonotary of every county, to lay the returns of the election of county commissioners and county auditors before the court of Quarter Sessions.

of such county, which shall order the same to be recorded according to law.

Section 85. (1799, §22.) It shall also be the duty of every prothonotary to give a certified copy of the list of voters, and other papers deposited in his office by the judges of an election, to any person applying to the same, on payment of the usual fees, as in other cases.

Section 86. (1791, §10.) Whenever the returns of an election for Governor shall not be received from any county, by the Secretary of the Commonwealth, before the election of Governor shall be published, every such return so delayed, shall be considered as void, unless the election be contested; in which case such returns shall be allowed to be of the same validity, and liable to the same exceptions, as other returns received in due time.

Section 87. (1799, §23.) Every judge, inspector, and clerk as aforesaid, shall receive the sum of one dollar and fifty cents, for every day employed in the duties required of him by law, to be paid by the treasurer of the proper county, on orders to be drawn upon him by the commissioners; which allowance shall be in full for his services and expenses, other than the mileage hereinafter allowed; and in lieu of all kinds of refreshment, which it may have been customary to provide: and no such expense for refreshments shall be paid or allowed by the commissioners of any county.

Section 88. (1799, §12, §13.) Every return judge shall be allowed out of the treasury of his proper county, the sum of ten cents for every mile he shall necessarily have travelled in going to the place appointed by law for the meeting of return judges, and in returning thence to his own home.

Section 89. (1802, §1; 1821, §3.) All special elections, and all elections for electors of President and Vice President of the United States, shall be held and conducted by the inspectors, judges, and clerks of the last preceding general election; but in case of the death of any such inspector, judge, or clerk, or of his failure to attend at such special or electoral election, it shall be the duty of the attending judges and inspectors to supply his place by the appointment of a suitable person.

Section 90. (1799, §25.) It shall be lawful for the Governor of this Commonwealth, on the representation of the Board of Health, or of the municipal authority of any city, borough, town, or incorporated district in this Commonwealth, that, from the prevalence of any malignant or contagious disease in such city, borough, town, or district, the lives of the electors may be in danger, by attending at the places fixed by law for holding elections within the same, to direct the sheriff of the proper county to give notice that the election for such city, borough, town or district, will be held at such place, within the limits or in the neighborhood of the same, as he, the Governor, may judge most safe and convenient; and it shall be the duty of such sheriff to give public notice of such place, in the manner herein before required,

at least seven days before the day of such election, under the same penalty as is hereinafter provided.

Section 91. (1803, §4.) No body of troops in the army of the United States, or of this Commonwealth, shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of such election: Provided, That nothing herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.

Section 92. (1799, §2.) If the constable or constables of any town, ward, or district, shall neglect or refuse to perform the duties herein required of him or them, they shall respectively forfeit the sum of fifty dollars.

Section 93. (1803, §3.) If the commissioners of any county shall wilfully omit to insert in the list of taxables, delivered by them to the inspectors as aforesaid, the name of any person duly assessed and returned to them, they shall, on conviction thereof, be fined and severally pay any sum not exceeding sixty dollars, nor less than thirty dollars, for the use of the poor of the place where the person whose name shall so as aforesaid be omitted shall reside; and the party aggrieved shall, in every such case, be a competent witness to prove such omission.

Section 94. (1799, §7.) If any person elected to serve as an inspector as aforesaid, and having received due notice thereof, shall neglect or refuse to attend on the day of election at the time appointed by law, he shall, in every such case, forfeit the sum of fifty dollars.

Section 95. (1799, §23.) If any inspector, judge, or clerk, as aforesaid, shall neglect or refuse to take upon himself the duties of such office, or having entered upon the same, shall afterwards neglect or refuse to perform the duties thereof according to law, he shall forfeit and pay any sum not less than fifty dollars, nor more than one hundred dollars, for every such offence.

Section 96. (1799, §23.) If any inspector, judge, or clerk, as aforesaid, shall be convicted of any wilful fraud, in the discharge of his duties as aforesaid, he shall forfeit a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be for seven years thereafter disabled from holding any office of honor, trust, or profit, in this Commonwealth, and shall moreover be disabled, for the term aforesaid, from giving his vote at any general or special election within this Commonwealth.

Section 97. (1799, §10.) If any judge of an election, inspector, or other person, before the poll shall be closed, shall unfold, open, or print into any ticket, with design to discover the name of any candidate therein, every person so offending shall forfeit the sum of one hundred dollars.

Section 98. (1799, §12.) If any person whoever shall embezzle or unlawfully deface, alter, or destroy, any ticket, list of voters, tally paper, or certificate taken or made at any election as aforesaid, he shall suffer imprisonment for a term not exceeding twelve months, &

the discretion of the court having jurisdiction of the offence, and shall so forfeit and pay the sum of three hundred dollars, to any person who shall, within six months after such offence, sue for the same.

Section 99. (1799, §17.) If any person, at any election as aforesaid, shall use or practice any intimidation, threats, force, or violence, with design to influence unduly, or to overawe any elector, or to restrain the freedom of choice, or shall use or threaten violence to any officer of such election, or shall interrupt him in the execution of his duty, such person shall be fined any sum not exceeding one hundred dollars, and suffer imprisonment not exceeding six months, at the discretion of the court having jurisdiction of the offence.

Section 100. (1799, §18.) If any person not qualified to vote in this Commonwealth, agreeably to law, (except the sons of qualified citizens,) shall appear at any place of election, for the purpose of issuing tickets, or of influencing the citizens qualified to vote, he shall forfeit and pay any sum not exceeding thirty dollars for every such offence.

Section 101. (1799, §17.) If any elector shall receive any gift or reward for his vote, in meat, drink, moneys, or otherwise, he shall forfeit his right to vote at that election, and shall forfeit and pay any sum not exceeding fifty dollars, and suffer imprisonment for a term not exceeding six months, at the discretion of the court having jurisdiction of the offence.

Section 102. (1799, §17.) If any person shall give or bestow any such gift or reward, in order to procure any person to be elected, or shall promise or attempt, either directly or indirectly, to confer any such gift or reward for such purpose, he shall be fined in a sum not exceeding one hundred dollars, and suffer imprisonment not exceeding six months, at the discretion of such court.

Section 103. (1799, §20.) If any person shall wilfully and corruptly make, or procure any person to make, falsely, any oath or affirmation required or authorized by this act, such person shall suffer the penalties and disabilities as are incurred on conviction of wilful and corrupt perjury.

Section 104. (1799, §20.) If any person shall knowingly publish, utter, or make use of any forged or false receipt or certificate, with intent to impose the same upon or deceive any inspector or judge at any election as aforesaid, such person shall be fined the sum of fifty dollars, and suffer imprisonment for six months.

Section 105. (1799, 23.) If any prothonotary or sheriff shall neglect or refuse to perform any of the duties hereinbefore enjoined upon him, or shall wilfully misbehave in the doing thereof, he shall forfeit and pay a sum not less than two hundred dollars nor exceeding five hundred dollars, and shall suffer imprisonment for a term not exceeding six months.

Section 106. (1799, §22.) If any justice of the peace shall refuse to receive any ballot box delivered to him as is hereinbefore provided, or having received the same shall neglect the safe keeping thereof, he shall for every such refusal or neglect, forfeit the sum of two hundred dollars.

9. Of the trial of Contested Elections.

1. In the cases of Governor and members of the Legislature of this Commonwealth.

Section 107. (1791, §1, §7, §8, §9; 1793, §3; 1818, §1.) No petition, complaining of an undue election, or false return of a person elected Governor, Senator, or member of the House of Representatives, shall be acted upon by the Legislature, unless

1. The same be presented within five days after the meeting of the Legislature next succeeding the election:

2. Nor unless the same be signed, in the case of a Governor, by at least fifty qualified electors; and in the case of a Senator or Representative, by at least twenty such electors of the proper district, city or county:

3. Nor unless the same shall be accompanied by an affidavit, taken and subscribed by at least five of the petitioners, before some person having authority to administer oaths, that the facts stated in such petition are true, to the best of their knowledge and belief.

4. Nor unless the same be accompanied by a certificate from the treasurer, prothonotary, or one of the commissioners of the county in which the petitioners reside, setting forth that the said petitioners or as many of them as are hereinbefore required, were, at the time of signing the same, duly qualified electors.

Section 108. (1791, §1, §9.) In the case of a Governor, every such petition shall be delivered to the Speaker of the Senate, who shall immediately give information thereof to both Houses; and such petition being read in each House, shall be laid on the table, without any question being thereon taken, until the two Houses shall proceed thereon; which proceeding shall be as follows:

Section 109. (1791 §1.) The members of each House, on a day and hour to be agreed upon between them, not exceeding ten days after the delivery of the petition, shall convene in a conference room where the petition shall be read by the Speaker of the Senate: The names of the members of each House shall then be called over by the respective clerks, and a quorum of each House being present, a joint committee shall be formed as follows.

1. The names of all the Senators present, shall be written on distinct pieces of paper, as nearly alike as may be, each of which shall be rolled up, and put into a box, by the clerk of the House of Representatives, and placed on the Speakers table.

2. The Clerk of the Senate, having shaken and intermixed the said papers shall draw them out one by one, and put them alternately into three boxes, also placed on the Speakers table.

3. When the whole number shall be so distributed, the Clerk of the House of Representatives shall shake and intermix the papers in each box, and shall draw alternately from each box, the papers: rolled up, and shall deliver them singly to the Speaker of the House of Representatives.

4. The Speaker of the House of Representatives shall open the said papers singly, and read aloud the name on each, and then deliver

the papers singly to the Speaker of the Senate, who shall place them openly on the table.

5. A member of each House, to be designated for the purpose by the respective Speaker, shall take down in writing the name so called, and shall each of them, repeat aloud the name he has so written, until the number of twelve names be drawn out and written down.

Section 110. (1791, §1.) The like proceedings in all respects shall then be had for the drawing of twenty five members of the House of Representatives, for the said purpose, excepting,

1. That the duties hereinbefore enjoined upon the clerk of the House of Representatives, shall be performed by the Clerk of the Senate.

2. That the duties hereinbefore enjoined upon the Clerk of the Senate, shall be performed by the Clerk of the House of Representatives.

3. That the duties hereinbefore enjoined upon the Speaker of the House of Representatives, shall be performed by the Speaker of the Senate.

4. That the duties hereinbefore enjoined upon the Speaker of the Senate, shall be performed by the Speaker of the House of Representatives.

Section 111. (1791 §1.) If any objection be made by either of the parties to any member so drawn by lot, such member shall be discharged, and another name shall be drawn to supply the place, and so on until the whole number of twelve members of the Senate, and twenty five of the House of Representatives, shall be completed: and in all cases, the members drawn in place of those objected to, shall be in like manner liable to be set aside, and others shall be drawn in their places: Provided, that if so many be set aside by reason of objections as aforesaid, that there shall not remain more than the number aforesaid, then no further objections shall be admitted.

Section 112. (1791 §2.) When the number aforesaid shall be completed, the Clerk of the House of Representatives, shall draw out, one by one, the names of the remaining members of the Senate, and deliver them singly to the Speaker of the House of Representatives, who shall unfold and read them aloud: And the Clerk of the Senate shall in like manner draw out the names of the remaining members of the House of Representatives, and deliver them singly to the Speaker of the Senate, who shall unfold them, and read them aloud: And if any unfairness or mistake shall be discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed.

Section 113. (1791, §2.) When the proceedings aforesaid shall be concluded, a list of the twelve members of the Senate, and a separate list of the twenty-five members of the House of Representatives so drawn, shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed to strike off alternately the names upon such list, until the number shall be reduced to four members of the Senate, and nine of the House of Representatives.

Section 114. (1791, §2.) On the parties withdrawing to form such select committee, the members of both Houses shall continue convened; and the members whose names shall have been drawn out of the boxes, shall not depart the conference room without leave, until the time and place for the meeting of the select committee shall be fixed as is hereinafter provided.

Section 115. (1791, §2.) Within one hour from the time of withdrawing as aforesaid, the parties shall deliver to the Speaker of the Senate, the names of the said four members of the Senate, and nine of the House of Representatives remaining on the list, who shall then respectively take an oath or affirmation to be administered by the Speaker of the Senate, to try the matter of the petition, and to give true judgment thereon, according to the evidence, unless the committee should be dissolved.

Section 116. (1791, §2.) The time and place for the meeting of the select committee so appointed, shall then be directed by the joint vote of the members of both Houses, which time shall be within twenty-four hours of the appointment.

Section 117. (1791, §6.) If any person appointed a member of such select committee shall at the time of such appointment, swear or affirm that he cannot without great inconvenience serve on such committee, he shall be excused, and in such case another shall be substituted; but if any member of such committee shall neglect to attend upon such committee, his name shall be reported in writing, to the House of which he shall be a member, and unless satisfactory reason be given for his non-attendance, he shall be liable to be reprimanded by the Speaker.

Section 118. (1791, §3.) The select committee so chosen, shall on their first meeting, elect a chairman from among themselves, and in the event of the death, or unavoidable absence of such chairman they shall choose another in his place; and if, in any such election there shall be an equal number of votes, the member whose name was first drawn shall have a casting vote.

Section 119. (1791, §3, §6; 1818, §5.) The select committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the Legislature: but unless nine of their number be present, the committee, after waiting one hour, shall adjourn to the next day. And if the number of the committee shall unavoidably be reduced to less than nine members, and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved, and another shall be chosen in the manner aforesaid. Provided, That when the two Houses shall stand adjourned for more than three days, the committee may adjourn to the same time.

Section 120. (1791, §4.) The select committee shall have power to send for persons, papers and records, and to examine all witnesses who may come before them, upon oath or affirmation, which the chairman or clerk of the committee may administer in their presence. And any person guilty of taking a false oath or affirmation before

em, or of procuring another so to do, shall, upon conviction, be liable the pains and penalties of perjury.

Section 121. (1791, §6, §5; 1818, §3.) The doors of the room in which the select committee shall meet, shall remain open during the examination of witnesses, but may be shut at any other time. All determinations of such committee, shall be by a majority of the whole number appointed; and as soon as the committee shall have agreed on the same, the chairman shall make two reports thereof, in writing, one of which shall be delivered to the Speaker of the Senate, and the other to the Speaker of the House of Representatives; which reports shall be entered on the journals of the respective Houses, and shall be final and conclusive.

Section 122. (1793, §5.) If the committee, or a majority thereof, as aforesaid, shall report that either of the candidates had the greatest number of legal votes, and ought to be admitted to the office, such candidate shall, thereupon, be entitled to such office.

Section 123. (1791, §7.) If the committee, or a majority thereof, as aforesaid, shall report that such election or return is invalid, a new election shall take place on the second Tuesday in October ensuing, agreeably to the constitution; of which the Speaker of the Senate and the Speaker of the House of Representatives shall immediately give notice, by their joint writ, directed to the sheriffs of the respective counties. And the sheriffs of the respective counties shall give due notice thereof, according to law.

Section 124. (1791, §7.) Every petition as aforesaid, complaining of an undue election or false return of a *member of the Senate*, shall be delivered to the Speaker of the Senate, and thereupon, the like proceedings shall be had in the Senate, in selecting a committee of five members of the House by lot, and the like powers and authorities shall be vested in the Senate in relation to such committee; and the said committee shall have the like powers and authorities, and be subject to the rules and regulations, as are hereinbefore directed, in the case of a contested election of a Governor, excepting,

1. That the several duties, which are hereinbefore directed, to be performed in such case by the Speaker of the Senate and the Speaker of the House of Representatives, shall be performed by the Speaker of the Senate.

2. That the several duties which are hereinbefore directed to be performed in such case by the Clerk of the Senate and the Clerk of the House of Representatives, shall be performed by the Clerk of the Senate.

3. That the number of members of the Senate first taken out by ballot shall be thirteen, and that the select committee shall consist of seven members, and shall not be dissolved unless reduced to less than seven members.

Section 125. (1791, §8.) Every petition as aforesaid, complaining of an undue election, or a false return of a *member of the House of Representatives*, shall be delivered to the Speaker thereof, and thereupon the like proceedings shall be had in such House, in selecting a

committee thereof by lot, and the like powers and authorities shall be vested in such House in relation to such committee; and such committee shall have the like powers and authorities, and be subject to the like rules and regulations, as hereinbefore directed in the case of a contested election of a Governor, excepting,

1. That the several duties which are hereinbefore directed, to be performed in such case by the Speaker of the Senate and the Speaker of the House of Representatives, shall be performed by the Speaker of the House of Representatives.

2. That the several duties which are hereinbefore directed, to be performed in such case by the Clerk of the Senate and the Clerk of the House of Representatives, shall be performed by the Clerk of the House of Representatives:

3. That the number of members of the House of Representatives first taken out by lot, shall be seventeen, and that the select committee shall consist of nine members, and shall not be dissolved, unless reduced to less than seven members.

Section 126. (1793, § 1.) If the committee, or a majority of the committee as aforesaid, shall report that either of the candidates had the great number of legal votes, and ought to be admitted to his seat, such candidate shall thereupon be entitled to such seat; but if they shall report that such election is invalid, a new election shall be directed and held to fill the vacancy, in the manner hereinbefore provided.

Section 127. (1793 § 1.) In all contested elections as aforesaid, the person returned and the candidate next highest in votes, shall be the parties in the trial thereof: and in case of the absence or neglect of such candidate, any one of the petitioners duly qualified, taking precedence according to the order in which they have signed the petition, shall be considered one of the parties.

Section 128. (1793 § 2.) If either or both of the parties shall fail to attend for the purpose of objecting to, and striking from the name drawn, as is hereinbefore provided, the members of the Senate and the House of Representatives jointly, or the members of either House separately, as the case may require, shall appoint one of their number in the place of either or both of the said parties so neglected to attend, which member or members so appointed, shall have the same power and authority to do and perform every act and thing touching the same, in as valid and effectual a manner, as if the party or parties were personally present.

Section 129. (1798 § 1, 1818 § 2.) Every witness sent for and attending the trial of any contested election as aforesaid, shall be allowed six cents for every mile of the distance necessarily travelled by him in coming to and returning from the place of trial, and shall also be allowed the sum of one dollar and thirty three cents for every day he may be detained at the place of such trial, which mileage and expenses, as well as the expense of summoning such witness, shall be paid by the select committee, and certified by their chairman to the Speaker of one or both Houses as the case may require: And the amount thereof, the same being first approved by the House or Houses

Section 136. (1802, §1.) At the hour of twelve on the second Tuesday in December, next preceding the expiration of the constitutional term of a Senator aforesaid, the members of both Houses shall meet in convention in the chamber of the House of Representatives: The Speaker of the Senate, or, in his absence, the Speaker of the House of Representatives, shall preside, and in the absence of both, a president *pro tempore*, shall be appointed by joint vote.

Section 137. (1802, §1.) When the convention shall be organized as aforesaid, the members present shall proceed to choose, *viva voce*, from the persons so as aforesaid nominated, a Senator, to represent the State in the Senate of the United States; the names of the persons voted for, and of the members voting, shall be entered in writing by the tellers, who shall report to the president of the convention the number of votes given for each candidate.

Section 138. (1802, §1.) If neither of the candidates shall receive the votes of a majority of the members present, a second poll shall be taken, and so, from time to time, until some one of the candidates shall receive the votes of a majority of the members present.

Section 139. (1802, §1.) If the election shall not be completed at the first meeting, the president shall adjourn the meeting to such time as a majority of the members then present shall determine; and so from time to time, until some one of the candidates shall receive a majority as aforesaid.

Section 140. (1802, §1.) When the election shall be closed as aforesaid, the president of the convention shall announce the person who shall have received a majority of votes as aforesaid, to be duly elected a Senator to represent this State in the Senate of the United States; and he shall, in the presence of the members of both Houses, sign four several certificates of the election, attested by the tellers: one of which certificates shall be transmitted by the president of the convention to the presiding officer of the Senate of the United States, one to the person so elected, and the remaining two shall be preserved among the records and entered at length on the journal of each house.

Section 141. (1802, §1.) Whenever a vacancy by resignation or otherwise shall happen, in the representation of this State in the Senate of the United States, the Legislature if in session shall, within eight days after being informed of the same, proceed to supply such vacancy, by an election, conducted in the manner herein before prescribed.

2 Election of State Treasurer.

Section 142. (1811, §39.) The State Treasurer shall be elected on the second Tuesday in January, in every year, in the manner following, to wit.

Section 143. (1811, §29; 1824, §1.) Each house of the Legislature, shall on the said second Tuesday in January, or on the day immediately previous thereto, choose one teller, and furnish the other house with a minute of such choice.

which such certificate may be made, shall be paid by the treasurer of the county or counties in which the facts complained of took place, if such facts be substantiated, or by the treasurer of the county or counties in which the petitioners shall reside, if the statements in the petition shall not be substantiated; on orders drawn by the Speaker of either or both Houses as the case may require.

2. Contested Elections of county and township officers.

Section 130. (1824, § 1.) The several Courts of Quarter Sessions shall have jurisdiction to hear and determine all cases, in which the election of any county or township officer by the people in the respective county, may be contested.

Section 131. (1824, § 1.) Upon the petition in writing of at least thirty qualified electors of the proper county or township, as the case may be, complaining of an undue election or false return of any such officer, the court shall appoint a suitable time for hearing such complaint, notice of which shall be giving to the person returned at least ten days before such hearing: Provided, That no order shall be taken upon such petition, unless it be accompanied by the oath or affirmation of at least two of such petitioners, setting forth that the facts therein stated, are true to the best of their knowledge and belief.

Section 132. (See 1824, § 1) The respective courts of Quarter Sessions shall have authority to compel the attendance of any officer of such election, and of any other person capable of testifying concerning the same, and also to compel the production of all books, papers, tally lists, tickets, and other documents, which may be required at such hearing, in like manner and to the same extent, as in other cases litigated before such court.

Section 133. (1824, § 1.) Every person who shall be subpoenaed, and attend or be examined at such hearing, shall be entitled to receive the same daily pay and mileage, as are by law allowed to witnesses attending such court in other cases: which shall be paid out of the treasury of the proper county, or township, as the case may be.

Section 134. (New.) *Provided*, That if the judges of such court, or a majority of them, shall certify that such complaint was without probable cause, the petitioners and every of them shall be liable for all the costs of such hearing: and it shall be the duty of the commissioners of the proper county to proceed to recover the same, by execution issued from such court.

X. Elections by the Legislature.

1. Election of Senators of the United States.

Section 135. (1802, § 1.) The election of Senators, to represent this State in the Senate of the United States, shall take place as follows, to wit: Each House of the Legislature shall appoint one teller, and nominate at least one person to fill such office; and two days previously to the joint meeting hereinafter mentioned, communicate to the other House the names of the persons so appointed or nominated,

Section 144. (1811, §39.) At the hour of twelve on the said second Tuesday in January, the members of both houses shall meet in convention, in the chamber of the House of Representatives: the Speaker of the Senate, or in his absence, the Speaker of the House of Representatives, shall preside, and in the absence of both, a president *pro tempore* shall be appointed by joint vote.

Section 145. (1811, §39.) When the convention shall be organized, as aforesaid, the members present shall proceed to elect a State Treasurer *viva voce*: the names of the persons voted for, and of the members voting, shall be entered in writing, by the tellers; who shall report to the president of the convention, the number of votes given for each candidate; and the president of the convention shall thereupon declare the same.

Section 146. (1811, §39.) If neither of the candidates shall receive the votes of a majority of the members present, a second poll shall be taken: and so from time to time, until some one of the candidates, shall receive the votes of a majority of the members present.

Section 147. (1802, §1.) If the election shall not be completed at the first meeting, the president shall adjourn the meeting to such time, as a majority of the members then present shall determine; and so, from time to time, until some one of the candidates shall receive a majority of votes as aforesaid.

Section 148. (1811, §39.) When the election shall be closed as aforesaid, the president of the convention shall announce the person who shall have received a majority of votes as aforesaid, to be duly elected State Treasurer, for the current year; and duplicate certificates shall be immediately made out, and signed by the said president and attested by the tellers; and the said tellers shall make report to their respective Houses; which shall be entered at length upon their journals.

Section 149. (See 1802, §1.) When a vacancy in the office of State Treasurer shall happen, by resignation or otherwise, the Legislature if in session, shall within five days after being informed of the same, proceed to supply such vacancy by an election conducted in the manner herein before prescribed.

Section 150. Every specific fine or forfeiture imposed by this act, shall be recovered by action of debt, in the name of the Commonwealth, as debts of like amount are recoverable, or by indictment in the court of Quarter Sessions of the proper county; and where the fine or forfeiture is not specific, the proceeding shall be by indictment in the court of Quarter Sessions of the proper county; In either case, one half of the amount of the fine, shall be for the use of the prosecutor, and the other half for the use of the Commonwealth: Provided, That all such suits and prosecutions shall be instituted within six months next after the cause thereof shall accrue, and not otherwise.

Section 150. Nothing in this act contained, shall be so construed, as to repeal any special provision heretofore made by law for any city, borough, ward, district, or township in this Commonwealth.

